

**Clark County Planning Commission**  
**Regular Meeting – 2 p.m.**  
**Wednesday, September 7, 2005**

**County Offices – Municipal Courts Building**  
**Public Chambers**  
**5th Floor, 50 East Columbia Street**  
**Springfield, OH 45502**

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# ***AGENDA***

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- |  |   |                                    |
|--|---|------------------------------------|
| <b>1. Minutes – August 3, 2005 (Regular)</b>                       |   | <i>Discussion &amp;<br/>Action</i> |
| <b>2. Subdivision</b><br>SB-2005-8                                 | <b>Baldwin View Number Three (Preliminary &amp; Final)</b><br>Harmony Township ~ 6.549 acres ~ 3 lots<br>West of 6705 Plattsburg Road<br>Jeffrey O. and Teresa Ann Dooley<br><b>Public Hearing</b>  | <i>Discussion &amp;<br/>Action</i> |
| <b>3. Subdivision</b><br>SB-2005-9                                 | <b>Echo Hills Estates Section Five (Preliminary &amp; Final)</b><br>Mad River Township ~ 47.009 acres ~ 39 lots<br>On the east side of Hagan Road, south of Rebert Pike and<br>north of Echo Hills Avenue<br>Robert and Jane Holland<br><b>Public Hearing</b> | <i>Discussion &amp;<br/>Action</i> |
| <b>4. Rezoning Case</b><br>Z-2005-5                                | <b>Ron Boling</b><br>Bethel Township ~ 14 acres<br>Northeast corner of Schiller Rd. and Lake Rd.<br>R-1 to B-2 (Community Business District)  | <i>Discussion &amp;<br/>Action</i> |
| <b>5. Rezoning Case</b><br>Z-2005-6                                | <b>Daniel E. Demmy</b><br>Mad River Township ~ 340.28 acres<br>5855 Enon Xenia Rd. and 8535 Dayton Springfield Rd.<br>A-1 to R-2 (Low Density Single-Family Residence District)   | <i>Discussion &amp;<br/>Action</i> |
| <b>6. Rezoning Case</b><br>Z-2005-7                                | <b>C. Merrill and L. Joy Flory, Trustees</b><br>Mad River Township ~ 14.79 acres<br>5779 Enon Xenia Road<br>A-1 to R-2 (Low Density Single-Family Residence District)   | <i>Discussion &amp;<br/>Action</i> |
| <b>7. Modification to “Crossroads” Land Use Plan</b><br>CR-2005-99 |   | <i>Discussion &amp;<br/>Action</i> |
| <b>8. Staff Comments</b>   |   | <i>Discussion</i>                  |
| <b>9. Adjournment</b>  |   | <i>Action</i>                      |

# Minutes

## Clark County Planning Commission

Regular Meeting ~ 2 p.m.  
Wednesday, August 3, 2005

County Offices/Municipal Courts Building  
Public Chambers  
5<sup>th</sup> Floor, 50 East Columbia Street  
Springfield, Ohio

Mr. Elliott Turner, Chairperson of the Clark County Planning Commission, called the meeting to order at 2:00 p.m.

Present: Mr. Elliott Turner, Mr. Lowell Bicknell, Mr. Max Cordle, Ms. Diane Jordan, Mr. Robert Jurick, Mr. John Detrick (arrived 2:09, left 2:45), and Mr. David Hartley (left 2:45), Mr. Tackett (arrived 2:03).

Absent: Mr. Allen Perkins, Mrs. Regina Rollins, and Mrs. Elaine Stevenson.

### CPC: 8-26-2005: Minutes ~ July 6, 2005 (Regular Meeting)

Motion by Mr. Cordle, seconded by Ms. Jordan to adopt the minutes.

*VOTE: Motion carried unanimously.*

### SB-2005-7 Subdivision ~ Vienna Woods Section Three ~ Preliminary and Final ~ Pleasant Township ~ 4.009 acres ~ 3 lots ~ M&M Development Company

Mr. Philip Tritle, Planning Staff, presented the report for the subdivision submitted by M&M Development Company. He highlighted information contained in the staff report and on the map:

- ◇ The County Engineer finds the final plans are in general compliance with the County Subdivision regulations and Technical Specifications of the County Engineer. They have no objection to the plat.
- ◇ The Clark Soil and Water Conservation District noted that the revised improvement plans are in general compliance with NPDES Permit requirements.
- ◇ The Pleasant Township Trustees and Zoning Inspector indicated that the plans are satisfactory.
- ◇ The Combined Health District granted approval at the April 21, 2005 meeting of the Clark County Board of Health.

The applicant's engineer has requested a variance of the Subdivision Regulations in regards to dedication of right-of-way per the Clark County Thoroughfare Plan. The Thoroughfare Plan indicates Old Columbus Road as a Secondary Arterial which is an 80' right-of-way. The plat as submitted dedicates only 30' (half right-of-way) instead of the required 40' (half right-of-way). It should be noted that when Vienna Woods Section One was platted, the Thoroughfare Plan at that time only required 60' (30' half) right-of-way. Since this request involves only one lot width, the additional 10' of right-of-way would not make an appreciable difference.

Planning Staff recommends approval of the preliminary and final for Section Three of Vienna Woods including the variance for the Thoroughfare Plan Right-Of-Way request.

Mr. Jurick asked if the right-of-way variance is being requested because of undue hardship.

Mr. Tritle responded that it would not be a hardship, but would make sense from the standpoint that it would be consistent with the previous section.

Mr. Jurick asked if the Engineer's Office had any comments.

Dean Fenton, representing the County Engineer's Office, answered that his office has no objections to the variance.

CPC: 8-27-2005: SB-2005-7 Subdivision ~ Vienna Woods Section Three ~ Preliminary and Final ~ Pleasant Township

Motion by Mr. Cordle, seconded by Mr. Bicknell to grant Approval of the preliminary and final submission for Vienna Woods Section in Pleasant Township.

*VOTE: YES: Mr. Bicknell, Mr. Cordle, Ms. Jordan, Mr. Jurick, Mr. Hartley, and Mr. Tackett.*

*PASS: Mr. Detrick.*

*Motion carried.*

Z-2005-3 Rezoning Case ~ White Oak Communities/Creekside Communities, Inc. ~ Mad River Township ~ 14.837 acres ~ 7689 Dayton Rd. ~ R-2 to PD-R (Planned Development (Residential) District)

Mr. Tritle presented the report on the rezoning case submitted by White Oak Communities/Creekside Communities, Inc. He highlighted information contained in the staff report and on the map.

◇ The County Engineer noted that:

1. Direct access to a major street is required when a development exceeds 4 units per acre. A public street will be built which will give direct access to Dayton Rd.
2. There is no street lighting proposed.
3. The public street must meet or exceed the design standards for a collector street.
4. Provisions for vehicular traffic are addressed by proposing a private street system within the condo community.
5. The developer will be required to provide storage for stormwater.

The County Engineer has no objection to the rezoning subject to the above comments.

◇ Soil Conservation:

1. requested additional information regarding ownership and maintenance of open areas, specifically along Mud Run.

# Minutes

## Clark County Planning Commission

2. recommended that a "preliminary SWPPP" be provided to their office for review prior to submittal of final plans to County Planning.

Soil Conservation does not object to the proposed zoning request, provided that these items are addressed.

- ◇ Utilities Department submitted issues which will be addressed during the subdivision phase is presented.
- ◇ Mad River Trustees and Planning Committee both objected to the original submission. It is noted that the developer met with Mad River Township since the June 20<sup>th</sup> meeting. A letter dated August 1<sup>st</sup> from the township trustees indicates that they have no objections to the revised rezoning request.

Staff recommended approval subject to the following items being addressed/changed:

1. Identify specifically (in text and plan map) the type of landscaping to be provided along Hunters Creek Drive; in the areas where the previous buildings were removed; and along Mud Run.
2. Identify how and by whom open areas will be maintained.
3. On the condo unit landscaping plan change the name "Abbey Canterbury Planting Plan" to "Creekside Condo Planting Plan".
4. Indicate in the plan whether the utilities will be public or private.

These items should be dealt with as soon as possible, preferably prior to the Rural Zoning Commission action.

Mr. Hartley asked Mr. Tritle to clarify comments made regarding street access.

Mr. Tritle responded that a new street will be created during the subdivision phase. The County Engineer will review the plans to make sure that the new street meets the road standard.

Mr. Jurick inquired about information regarding a pedestrian plan.

Mr. Scott Owens, representative for the applicant, explained that the intent is to provide a bike path on the condo side of Hunter's Creek Road. This would allow access to the drug store and IGA. The idea is for the bike path to tie into the community on the other side of Mud Run. The Hunter's Glen side will be buffered. The hope is that future subdivisions will be able to access the bike path.

There was a brief discussion regarding the method of calculating density.

Mr. Howard White, representing the Mad River Planning Committee, stated that the committee met with the developer on July 11<sup>th</sup>. The members that attended that meeting were impressed with the development. Subsequently, the trustees sent the letter dated August 1<sup>st</sup> expressing their approval of the project.

Kathy Estep, Mad River Township Trustee, stated that she was at the meeting in support of the rezoning.

CPC: 8-28-2005: Z-2005-3 Rezoning ~ White Oak Communities/Creekside Communities, Inc. ~ Mad River Township

Motion by Mr. Cordle, seconded by Mr. Bicknell to recommend **Approval** to the Rural Zoning Commission for the request of White Oak Communities/Creekside Communities, Inc. to rezone 14.837 acres located at 7689 Dayton Rd. from R-2 (Low Density Single-Family Residence District) to PD-R (Planned Development (Residential) District).

*Motion carried unanimously.*

ZA-2005-1 ~ County Zoning Amendments

Mr. Tritle explained that these amendments are minor in nature:

1. Chapter 2, Section A – combines Agriculture uses and Agricultural Related Processing into one category.
2. Chapter 2, Section A – changes uses 3., 4., and 5. (which currently exist as separate items under CURRENT TEXT ) into one item, with the 40 acre minimum lot and noting the exception for lotsplits, cluster lotsplits, and bonus cluster lotsplits.
3. Chapter 2, Section B under Footnote 2 in (CURRENT TEXT) shows a Table indicating *Frontage, Lot Size, and Setbacks* based on available utilities. The revised Table for Footnote 2 (PROPOSED TEXT) clarifies all of these attributes into a simpler form.

Staff recommends approval.

CPC: 8-28-2005: ZA-2005-1 ~ County Zoning Amendments

Motion by Mr. Cordle, seconded by Mr. Tackett to recommend **Approval** to the Rural Zoning Commission of the proposed County Zoning Amendments.

*VOTE: YES: Mr. Bicknell, Mr. Cordle, Ms. Jordan, and Mr. Jurick.  
PASS: Mr. Tackett.*

*Motion carried.*

Staff Comments:

Statistics Regarding Condominiums in Clark County

There are 2,125 condos in Clark County and 1,082 are inside the City of Springfield (50.9%). Moorefield Township has 772 (36.3%), German Township has 134, Pike Township has 19, Mad River Township has 84, and the Village of Enon has 34 condominiums. In Moorefield, 600 additional units have been approved by rezoning. There will be 60 additional units in Mad River Township.

Cluster Lotsplits

# *Minutes*

## *Clark County Planning Commission*

79% of lots are 2 ½ acres or below. (Starting in 2001) Bethel Township has 9, German Township has 5, Green Township has 6, Mad River Township has 12, and Moorefield Township has 12.

### *Board Comments:*

There was discussion regarding setback variances for store-and-locks.

Mr. Bicknell asked where automobile sales is allowed. Mr. Tritle answered that it is B-3 under “automotive and auto accessories sales”. Mr. Bicknell feels that that is confusing.

### *Adjournment*

#### *CPC: 8-2005-30: Adjournment*

Motion by Mr. Bicknell, seconded by Mr. Cordle to adjourn the meeting.

*VOTE: Motion carried unanimously.*

The meeting was adjourned at 2:58 p.m.

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Mr. Elliott Turner, Chairperson

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Mr. Shane Farnsworth, Secretary

NOTE FOR MINUTE BOOK: See additional information included following the minutes.

## **Baldwin View No. 3 (Preliminary & Final)**

To: Clark County Planning Commission	Date of Meeting: September 7, 2005
From: Planning Staff	Date of Report: August 30, 2005

Subdivision Location: Harmony Twp. - Sec. 28, Town 6, Range 9

Owner: Jeffrey O. & Teresa Ann Dooley  
Developer: Jeffrey O. Dooley  
Surveyor: Hoppes Engineering & Surveying Co.  
Engineer: Hoppes Engineering & Surveying Co.

Request: To subdivide 6.309 acres into 3 single-family residential lots  
Facilities: On-site individual water & sewage

### **Platting History**

Baldwin View Section One was recorded in 1995. Baldwin View Section Two was recorded in 1996. This property was zoned PD-R in 2004.

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*Below are comments from the various county agencies:*

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### **County Engineer**

Pursuant to the request by Mr. Jeffrey Dooley to subdivide 6.549 acres into three (3) residential building lots, the County Engineer has reviewed the property located along the south side of Plattsburg Road and has no objections. There are no public improvements associated with this development, as each lot is served by individual wells and sewage systems. Access will be provided via a shared drive and maintained privately.

The County Engineer has no objection to the proposal to subdivide the above referenced property.  
(see August 29, 2005 memo)

### **County Engineer - LIS Dept.**

I have reviewed the Baldwin View Subdivision Number 3 (6.549 Acres) for Jeffery O. Dooley and have made some comments on the record plan.

### **Record Plan**

- 1) The control line for this survey is not tied to an established monumented point (Point of Commencement). (See Review Item #15)
- 2) Since our new survey standards went into effect, we are requiring tying into any County GPS monuments that are within a ½ mile of the survey. We show County monument #Clark 103 is within ½ mile of this survey. I have enclosed the coordinates and location description for Clark County monument #Clark 103. If this monument has been destroyed or disturbed, please note on the drawing. (See Survey Review Item #18) (see August 24, 2005 memo)

### **Soil & Water Conservation**

The Clark SWCD has received plans above site and provided the following comments relative to sediment/erosion control. There are a number of items to be included on the plans in order to comply with Clark County and NPDES Permit requirements:

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. If proposed work is less than one acre disturbed, it is not necessary to submit a sediment control plan, however the owner/developer must comply with other provisions of the Clark County Stormwater and Sediment Control Regulations. (*see August 17, 2005 memo*)

### **County Health District**

At the April 30, 2004 meeting of the Clark County Board of Health, approval was granted for a 3 lot cluster on Plattsburg Road. (*see April 30, 2004 memo*)

### **County Planning**

This property is classified by the Clark County Land Use Plan as Agriculture/Rural Residential which is in predominantly rural portions of the County, where agriculture should remain the priority. This designation emphasizes agriculture as the dominant land use, but also recognizes that residential uses are appropriate if very low density in character (less than one dwelling per two acres - gross density) and/or clustered to preserve significant open space features (such as prime agricultural soils). Agriculture/Rural Residential is most appropriate in portions of Bethel, German, Green, Harmony, Mad River, Madison, Pike and Pleasant townships.

This plat development also serves as the final plan for the PD-R rezoning. The applicant has not furnished or recorded a final PD plan to date. This must be accomplished prior to sign-off by the County Planning Director.

## **Recommendation**

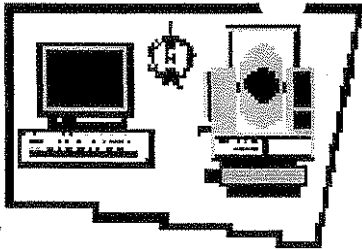
AS OF THE DATE OF THIS REPORT, THE STAFF HAS BEEN INFORMED THAT THE SEPTIC SYSTEM OF AN ADJOINING PROPERTY OWNER IS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT. THIS PLAT WILL HAVE TO BE RECONFIGURED TO TAKE THIS MATTER INTO ACCOUNT.

THEREFORE WE CANNOT RECOMMEND APPROVAL OF THE PRELIMINARY OR FINAL PLAT AS PRESENTED.

#### **Attachments:**

County Engineer's Letters  
Soil and Water Conservation District's Letter  
County Health Board action  
Location Map  
Preliminary Plat  
Final Plat





Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyohio.gov/engineer](http://www.clarkcountyohio.gov/engineer)

August 29, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Planner

Re: SB-2005-8  
Baldwin View – No. 3  
Review Comments

Mr. Tritle,

Pursuant to the request by Mr. Jeffrey Dooley to subdivide 6.549 acres into three (3) residential building lots, the County Engineer has reviewed the property located along the south side of Plattsburg Road and has no objections. There are no public improvements associated with this development, as each lot is served by individual wells and sewage systems. Access will be provided via a shared drive and maintained privately.

The County Engineer has no objection to the proposal to subdivide the above referenced property.

Sincerely,

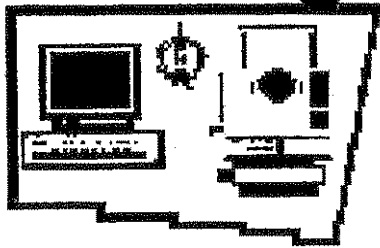
Bruce C. Smith P.E., P.S.  
Clark County Engineer

Kenneth D. Fenton  
Deputy Engineer

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Donald Boyle – Road Superintendent  
Paul W. DeButy P.E. – Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank – Bridge Superintendent  
Pamela Fulton – Office Assistant

William A. Pierce, P.S. – LIS Director  
Shayne Gray – GIS/CAD Coordinator  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor  
Ned G. Weber, Deputy Engineer



Clark County  
Engineer's Department  
L.I.S. Department  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

31 N. Limestone St.  
Springfield, Ohio 45501

Office # (937) 328-2726  
Fax # (937) 328-2701

E-Mail  
[lis@co.clark.oh.us](mailto:lis@co.clark.oh.us)

August 24, 2005

Mr. Jonathon Burr, P.S., P.E.:

I have reviewed the Baldwin View Subdivision Number 3 (6.549 Acres) for Jeffery O. Dooley and have made some comments on the record plan.

Record Plan

- 1) The control line for this survey is not tied to an established monumented point (Point of Commencement). (See Review Item #15)
- 2) Since our new survey standards went into effect, we are requiring tying into any County GPS monuments that are within a ½ mile of the survey. We show County monument #Clark 103 is within ½ mile of this survey. I have enclosed the coordinates and location description for Clark County monument #Clark 103. If this monument has been destroyed or disturbed, please note on the drawing. (See Survey Review Item #18)

Give me a call, if you have any questions.

Respectfully,

*William Pierce*  
William Pierce

Donald Boyle – Road Maintenance Superintendent  
Paul W. DeButy – Design Engineer  
Doug Frank – Bridge Superintendent  
K. Dean Fenton, P.S., Deputy – Inspections / Permits  
Ned Weber, Deputy – Operations / Maintenance

Bill Pierce, P.S. – LIS Director  
Lisa Massie – Administrative Asst.  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor



4400 Gateway Blvd. - Suite 103  
Springfield, Ohio 45502

Phone (937) 328-4600/4601  
Fax (937) 328-4606

*With the Right to Own – Goes the Duty to Conserve*

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**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

August 17, 2005

Clark County Planning Commission  
Phillip Tritle, Senior Planner  
25 West Pleasant St.  
Springfield, OH 45506

Re: Baldwin View Number Three- Preliminary/Final  
Plattsburg Road~Harmony Twp. ~ 6.5 acres

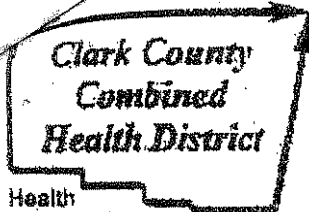
Mr. Tritle,

The Clark SWCD has received plans above site and provided the following comments relative to sediment/erosion control. There are a number of items to be included on the plans in order to comply with Clark County and NPDES Permit requirements:

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. If proposed work is less than one acre disturbed, it is not necessary to submit a sediment control plan, however the owner/developer must comply with other provisions of the Clark County Stormwater and Sediment Control Regulations.

Respectfully,

*Christine L. Pence*  
Christine L. Pence, CPESC  
Urban Coordinator



Health  
Commissioner  
Charles A. Patterson, RS, MBA

Clark County Combined Health District  
529 East Home Road  
Springfield, Ohio 45503

Main: (937) 390-5600 Fax: (937) 390-5625  
Email: health@cochd.com TDD: (937) 390-5605

**Help Me Grow**

Main: (937) 322-2099 Fax: (937) 322-4189



2430 Van Buren Avenue  
Springfield, OH 45505

April 30, 2004

Phil Tittle  
Clark County Planning Commission  
25 W. Pleasant Street  
Springfield, OH 45506

Re: Plattsburg Road

Dear Phil,

The Clark County Combined Health District has performed a soil analysis on the following lot(s), for the purposes of a lot split:

Owner: Jeff Dooley  
Location: 3 Lot Cluster on Plattsburg Road  
Date: April 28, 2004

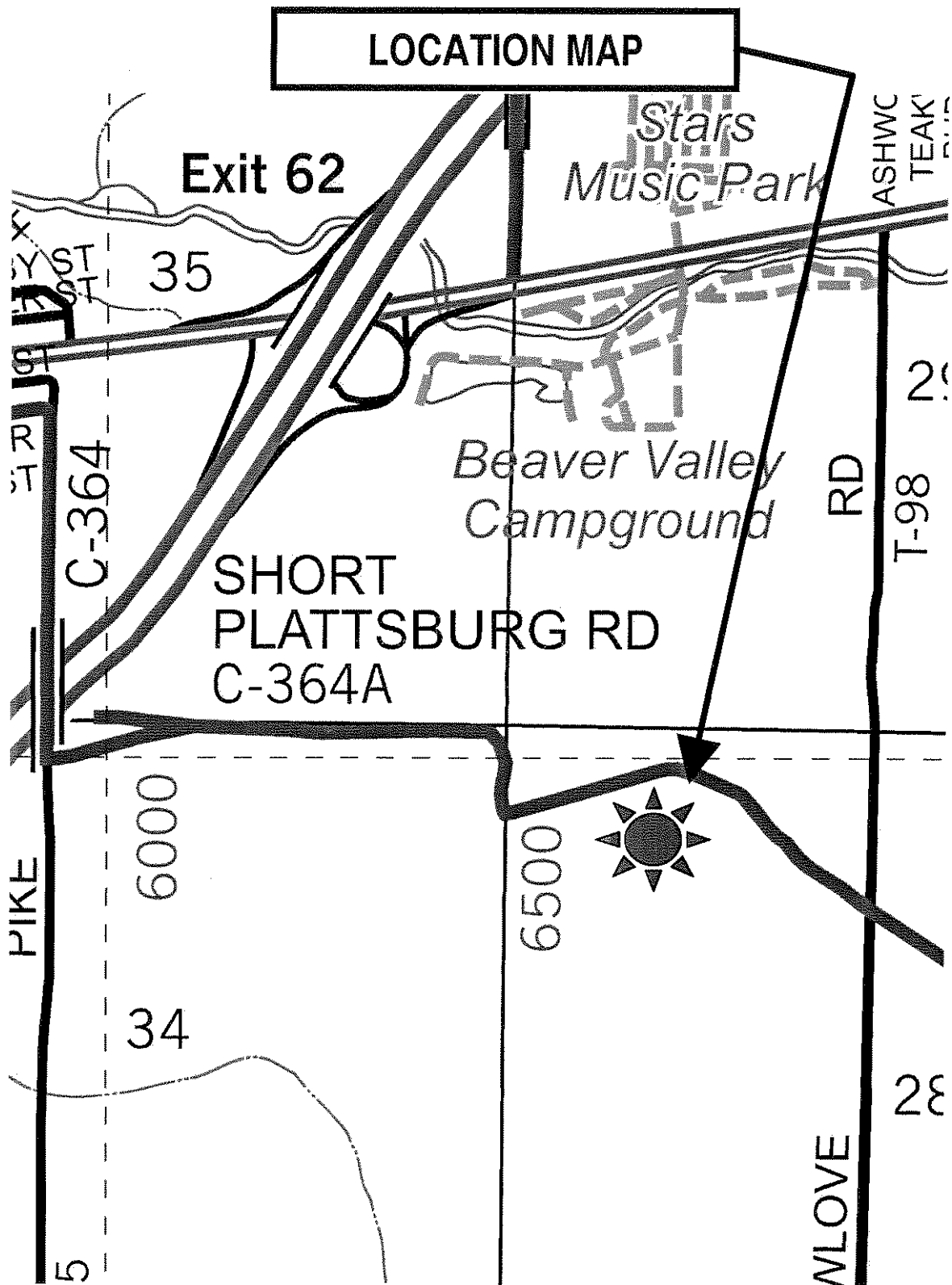
The results of the analysis indicate that:

- ☒ The soil was **suitable** for an on-site sewage disposal system.  
☐ The soil was **unsuitable** for an on-site sewage disposal system.

Additional comments:

This report is respectfully submitted to the Clark County Planning Office by

Robert Barry R.S.



**SUBDIVISION**  
**Preliminary & Final**

**BALDWIN VIEW NO. 3**  
**Harmony Twp.**



**BALDWIN VIEW NO. 3**  
**Harmony Twp.**

## **Echo Hills Estates - Sec. Five (Preliminary & Final)**

To: Clark County Planning Commission	Date of Meeting: September 7, 2005
From: Planning Staff	Date of Report: August 30, 2005

Subdivision Location: Mad River Twp. - Sec. 30, Town 4, Range 8

Owner: Robert & Jane Holland  
Developer: Robert & Jane Holland  
Surveyor: Kline Engineering Inc.  
Engineer: Kline Engineering Inc.

Request: To subdivide 47.009 acres into 39 single-family residential lots  
Facilities: On-site individual water & sewage

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### **Platting History**

Echo Hills Estate Sec. One was recorded in 1979; Sec. Two was recorded in 1988; Sec. Three was recorded in 1992; and Sec. Four was recorded in 1997

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*Below are comments from the various county agencies:*

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### **County Engineer**

The County Engineer received revised plans for Echo Hills Subdivision - Section Five on August 24, 2005. The revised plans that we received do not fully address the issues that were previously addressed to the developer and their design engineer by letter dated August 17, 2005.

Therefore, the County Engineer recommends preliminary approval only at this time. (see August 29, 2005 memo)

### **County Engineer - LIS Dept.**

I have reviewed Echo Hills Estates Section Five (47.009 Acres) for Robert and Jane Holland and have made some comments on the record plan. (P.P. #11-00030-000-025)

### **Record Plan**

- 1) The basis of bearings and bar scale is missing on the plat. (See Survey Review Item #7 and #13)
- 2) The several of the adjacent owner's name are incorrect as shown on the plat. Please check the adjoining owners and replace with the current owners along with their deed volume and page. (See Survey Review Item #8)
- 3) Please show all monuments either set or found on the drawing. (See Survey Review Item #17)
- 4) Please show the perimeter of the proposed subdivision in a heavier (bold) line. The paper copy we reviewed made it hard to distinguish the existing boundary from the proposed and label Echo Hills Estates Section Four along with the Nat book and page. (Plat Book Volume 17, Page 8)



- 5) Please label the acreage from the nature preservation areas so that one can be differentiated from the other. Also the following lots did not mathematically close within the specified tolerance. II have included a closure sheet for each lot:
  - a.) Lot #69                      e.) Lot #73                      i.) Lot #93
  - b.) Lot #70                      f.) Lot #75                      j.) Lot #94
  - c.) Lot #71                      g.) Lot #76                      k.) Lot #95
  - d.) Lot #72                      h.) Lot #92                      l.) DEDICATED NATURE PRESERVATION AREA
- 7) The proposed section five shows a street name labeled as "Sullivan Avenue". It was recorded in the previous section four of Echo Hills Estates as Sullivan Road. Also label on the plat, the existing toad names and r/w widths.
- 8) Please include with the title block, the total acres of the subdivision and the breakdown within the r/w and total lots.
- 9) Comments on Sheet two of the subdivision record:
  - a.) There is a curve (C11) shown in the curve data table that is not shown on sheet one of the drawing.
- 8) Comments on Sheet four of the subdivision record:
  - a.) Please include a second letter A along the return call for the boundary per Section 3.32 "Description".
  - b.) Please label the total acreage within the nature preservation areas per Section 3.33 "Owners Dedication and Acknowledgment".

### **Soil & Water Conservation**

The Clark SWCD received plans for this plat however sheets #5 and #28 were missing. This office was not able to perform a complete review of the Preliminary/Final plans.. (see August 29, 2005 memo)

### **County Health District**

A resolution to approve Echo Hills Subdivision, Sections 5 and 6 (36 lots) with the following stipulations: (1) all sewage disposal systems must meet the Household Sewage Treatment Systems Regulations; (2) for lots 69 and 70, and lots 78 through 96 inclusive, additional Soil Pits will be necessary prior to construction for site-specific designs; and, (3) provide information about the effect of area geology on water and sewer systems, including alternative systems and treatment opportunities, at the time of permit application and disclosure.

### **Mad River Township Planning Committee**

The Committee has not seen the final plan as revisions were directed at the Technical Review Committee meeting of August 18, 2005. As a result of the Technical Review Committee Meeting, there are some outstanding issues the Committee believes the Planning Commission must resolve before the Commission takes final action on the subdivision plan. These actions are:

1. Insuring the areas designated as "Dedicated Nature Preservation Area" on lots #74 and #76 are covered by appropriate easements so designated on the plat map.
2. Obtaining legal review and approval by the County Prosecutor's Office of all language placed in plat covenants and deeds regarding the current and potential well water contamination which may occur in the wells providing potable water to the homes on the 39 lots in this subdivision.
3. Sheet #5 (Grading Plan) and Sheet #6 (Sedimentation and Erosion Control Plan) show storm water drainage in the plat being managed by a series of swales, ditches and culverts which feed a drainage easement on lot #69 and exits the plat through a culvert under Hagan Road. The Mad River Township Planning Committee is accustomed to storm water retention being managed within the subdivision under consideration.

4. In a related matter, the County Engineer needs to affirm the culvert under Hagan Road at lot #69 is adequate to handle the anticipated storm water run off. Also, once storm water is discharged from the plat, the water enters farm land owned by Robert W. and Marjorie McClure which is drained by a ditch, not under county maintenance, into Mud Run.

In addition to these four items, the Mad River Planning Committee urges the Clark County Planning Commission not to follow the practice established with preliminary and final subdivision plans for the Bluffs of Hunter's Glen. With both plans, the Planning Commission did not vote on nor approve the complete plans, but allowed the County Planning Staff to finalize open items with the developer. In view of the contentious nature of this subdivision plan in Mad River Township, the Committee urges the Planning Commission to approve/disapprove the entire plan without any leaving details awaiting finalization between the developer and County Staff. This will enable the Planning Commission to maintain a transparent process (See August 31, 2005 letter for exact wording)

### County Planning

This property is classified by the Clark County Land Use Plan as Agricultural/Rural Residential which is located in predominantly rural portions of the County, where agriculture should remain the priority. This designation emphasizes agriculture as the dominant land use, but also recognizes that residential uses are appropriate if very low density in character (less than one dwelling per two acres - gross density) and/or clustered to preserve significant open space features (such as prime agricultural soils). Agriculture/Rural Residential is most appropriate in portions of Bethel, German, Green, Harmony, Mad River, Madison, Pike and Pleasant townships.

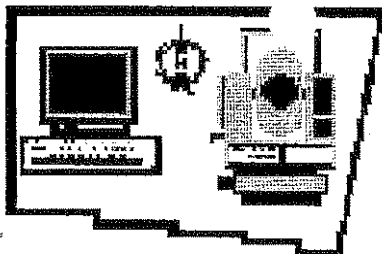
## **Recommendation**

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Due to the outstanding issues, we cannot recommend approval at this time. We therefore recommend tabling the Preliminary and Final Plans. Should the applicant not agree to tabling, we would recommend denial.

#### Attachments:

County Engineer's Letters  
Soil and Water Conservation District's Letter  
County Health Board action  
Mad River Township Planning Committee letter  
Location Map  
Preliminary Plat  
Final Plat



Clark County  
Engineer's Department

4075 Laybourne Rd Springfield, Ohio 45505-3613

Bruce C. Smith, P.E., P.S.

Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyohio.gov/engineer](http://www.clarkcountyohio.gov/engineer)

August 29, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Senior Planner

Re: **SB -2005-3 Echo Hills Section Five**  
**Preliminary / Final Review Comments**

Mr. Tritle,

The County Engineer received revised final plans for Echo Hills Subdivision - Section Five on August 24, 2005. The revised plans that we received do not fully address the issues that were previously addressed to the developer and their design engineer by letter dated August 17, 2005.

Therefore, the County Engineer recommends preliminary approval only at this time.

Sincerely,

Bruce C. Smith P.E., P.S.  
Clark County Engineer

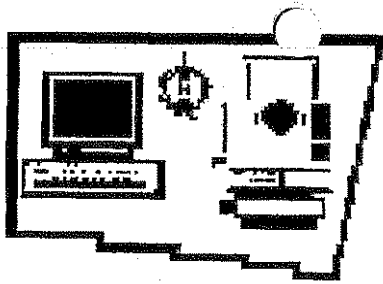
Kenneth D. Fenton  
Deputy Engineer

Cc:

K:\Subdivisions\Echo Hills 5\Planning letter 082905.doc

Donald Boyle - Road Superintendent  
Paul W. DeButy P.E. - Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank - Bridge Superintendent  
Pamela Fulton - Office Assistant

William A. Pierce, P.S. - LIS Director  
Shayne Gray - GIS/CAD Coordinator  
Mark Niccolini - Ditch Maintenance Supervisor  
Lew Richards - Traffic Supervisor  
Ned G. Weber, Deputy Engineer



Clark County  
Engineer's Department  
L.I.S. Department  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

31 N. Limestone St.  
Springfield, Ohio 45501

Office # (937) 328-2726  
Fax # (937) 328-2701

E-Mail  
[lis@co.clark.oh.us](mailto:lis@co.clark.oh.us)

August 25, 2005

Mr. Michael L. Smith, P.S., P.E.:

I have reviewed Echo Hills Estates Section Five (47.009 Acres) for Robert and Jane Holland and have made some comments on the record plan. (P.P. #11-00030-000-025)

Record Plan

- 1) The basis of bearings and bar scale is missing on the plat. (See Survey Review Item #7 and #13)
- 2) The several of the adjacent owner's name are incorrect as shown on the plat. Please check the adjoining owners and replace with the current owners along with their deed volume and page. (See Survey Review Item #8)
- 3) Please show all monuments either set or found on the drawing. (See Survey Review Item #17)
- 4) Please show the perimeter of the proposed subdivision in a heavier (bold) line. The paper copy we reviewed made it hard to distinguish the existing boundary from the proposed and label Echo Hills Estates Section Four along with the Plat book and page. (Plat Book Volume 17, Page 8)
- 5) Please label the acreage from the nature preservation areas so that one can be differentiated from the other. Also the following lots did not mathematically close within the specified tolerance. I have included a closure sheet for each lot:
  - a.) Lot #69
  - b.) Lot #70
  - c.) Lot #71
  - d.) Lot #72
  - e.) Lot #73
  - f.) Lot #75
  - g.) Lot #76
  - h.) Lot #92
  - i.) Lot #93
  - j.) Lot #94
  - k.) Lot #95
- l) DEDICATED NATURE PRESERVATION AREA

Donald Boyle – Road Maintenance Superintendent

Paul W. DeButy – Design Engineer

Doug Frank – Bridge Superintendent

K. Dean Fenton, P.S., Deputy – Inspections / Permits

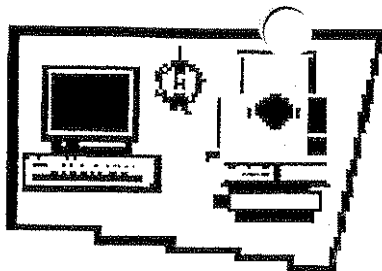
Ned Weber, Deputy – Operations / Maintenance

Bill Pierce, P.S. – LIS Director

Lisa Massie – Administrative Asst.

Mark Niccolini – Ditch Maintenance Supervisor

Lew Richards – Traffic Supervisor



Clark County  
Engineer's Department  
L.I.S. Department  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

31 N. Limestone St.  
Springfield, Ohio 45501

Office # (937) 328-2726  
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[lis@co.clark.oh.us](mailto:lis@co.clark.oh.us)

Echo Hills Estates Section Five: Page Two

- 7) The proposed section five shows a street name labeled as "Sullivan Avenue". It was recorded in the previous section four of Echo Hills Estates as Sullivan Road. Also label on the plat, the existing road names and r/w widths.
- 8) Please include with the title block, the total acres of the subdivision and the breakdown within the r/w and total lots.
- 9) Comments on Sheet two of the subdivision record:
  - a.) There is a curve (C11) shown in the curve data table that is not shown on sheet one of the drawing.
- 8) Comments on Sheet four of the subdivision record:
  - a.) Please include a second letter A along the return call for the boundary per Section 3.32 "Description". (See attached copy)
  - b.) Please label the total acreage within the nature preservation areas per Section 3.33 "Owners Dedication and Acknowledgment".

Give me a call, if you have any questions.

Respectfully,

*William Pierce*  
William Pierce

Donald Boyle – Road Maintenance Superintendent  
Paul W. DeButy – Design Engineer  
Doug Frank – Bridge Superintendent  
K. Dean Fenton, P.S., Deputy – Inspections / Permits

Ned Weber, Deputy – Operations / Maintenance

Bill Pierce, P.S. – LIS Director  
Lisa Massie – Administrative Asst.  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor



Clark Soil  
& Water  
Conservation District

4400 Gateway Blvd. - Suite 103  
Springfield, Ohio 45502

Phone (937) 328-4600/4601  
Fax (937) 328-4606

*With the Right to Own - Goes the Duty to Conserve*

---

**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

August 29, 2005

Mr. Phil Tritle  
Clark County Planning Department  
25 West Pleasant St.  
Springfield, OH 45506

Re: Echo Hills Section 5- Preliminary/Final  
Hagan Road ~ Mad River Twp.

Mr. Tritle,

The Clark SWCD received plans for the above site however, sheets #5 and #28 were missing. This office was not able to perform a complete review of the Preliminary/Final plans.

Respectfully,

Christine L. Pence, CPESC  
Urban Coordinator

Clark County Combined Health District  
Board of Health Meeting  
July 21, 2005

Re: Echo Hills Subdivision, Sections 5 and 6

- 3-05 A resolution to approve Echo Hills Subdivision, Sections 5 and 6 (36 lots) with the following stipulations: (1) all sewage disposal systems must meet the Household Sewage Treatment Systems Regulations; (2) for lots 69 and 70, and lots 78 through 96 inclusive, additional Soil Pits will be necessary prior to construction for site-specific designs; and, (3) provide information about the effect of area geology on water and sewer systems, including alternative systems and treatment opportunities, at the time of permit application and disclosure.
- Moved by: Ms. Weaver      Seconded by: Mr. Foster

	FOR	AGAINST	ABSTAIN	ABSENT
Mr. Young	x			
Ms. Weaver	x			
Mr. Elliott		x		
Mr. Bartos	x			
Ms. Rice		x		
Dr. Feagins				x
Mr. Foster	x			
Mr. Colvin	X			

## MAD RIVER TOWNSHIP

Trustees: Robert McClure, Jr., Richard J. Schumann, Kathy Estep  
Clerk: James A. Matthews  
260 East Main Street, Box 34, Enon, OH 45323  
www.madrivertownship.org

August 31, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506-2268

RE: Echo Hills Section Five, Preliminary and Final Subdivision Plan

Dear Sirs:

The Committee has not seen the final plan as revisions were directed at the Technical Review Committee meeting of August 18, 2005. As a result of the Technical Review Committee Meeting, there are some outstanding issues the Committee believes the Planning Commission must resolve before the Commission takes final action on the subdivision plan. These actions are:

1. Insuring the areas designated as "Dedicated Nature Preservation Area" on lots #74 and #76 are covered by appropriate easements so designated on the plat map. Also, the Planning Commission must insure the easement language addresses: a prohibition on building or the placement of buildings in these areas, a prohibition on grading or changes to the existing grade of these areas, a prohibition on the growth of noxious weeds in these areas, and guidance on what constitutes a "Nature Preservation Area" and how the owners of these lots must maintain such an area.
2. Obtaining legal review and approval by the County Prosecutor's Office of all language placed in plat covenants and deeds regarding the current and potential well water contamination which may occur in the wells providing potable water to the homes on the 39 lots in this subdivision. A member of the Committee has contacted the County Prosecutor's Office. As a result of this contact, he was informed the County Prosecutor's Office is not currently developing and/or reviewing this language. While Plat Covenant #35 has language about potential nitrate contamination, this language was developed, reviewed or approved by the County Prosecutor's Office and may not constitute sufficient disclosure for potential buyers.
3. Sheet #5 (Grading Plan) and Sheet #6 (Sedimentation and Erosion Control Plan) show storm water drainage in the plat being managed by a series of swales, ditches and culverts which feed a drainage easement on lot #69 and exits the plat through a culvert under Hagan Road. The Mad River Township Planning Committee is accustomed to storm water retention being managed within the subdivision under consideration. Since the County Engineer and County Soil and Water did not object to this storm water management plan at the Technical Review Meeting, the Planning Committee assumes



## Echo Hills Section Five, Preliminary and Final Subdivision Plan

8/31/2005

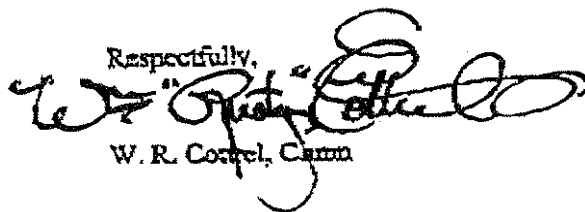
this plan meets current storm water management requirements. The Mad River Township Planning Committee requests the Clark County Planning Commission have these departments affirm this assumption.

4. In a related matter, the County Engineer needs to affirm the culvert under Hagan Road at lot #69 is adequate to handle the anticipated storm water run off. Also, once storm water is discharged from the plat, the water enters farm land owned by Robert W. and Marjorie McClure which is drained by a ditch, not under county maintenance, into Mud Run. The County Planning Commission needs to insure that storm water run off will not damage the McClure's property and that the ditch in its current state is adequate to handle anticipated storm flows. Finally, the County Engineer's Office should be requested to work with the McClures to see if there is benefit to placing this ditch under county maintenance and assessing the residents of Echo Hills Section Five for maintenance.

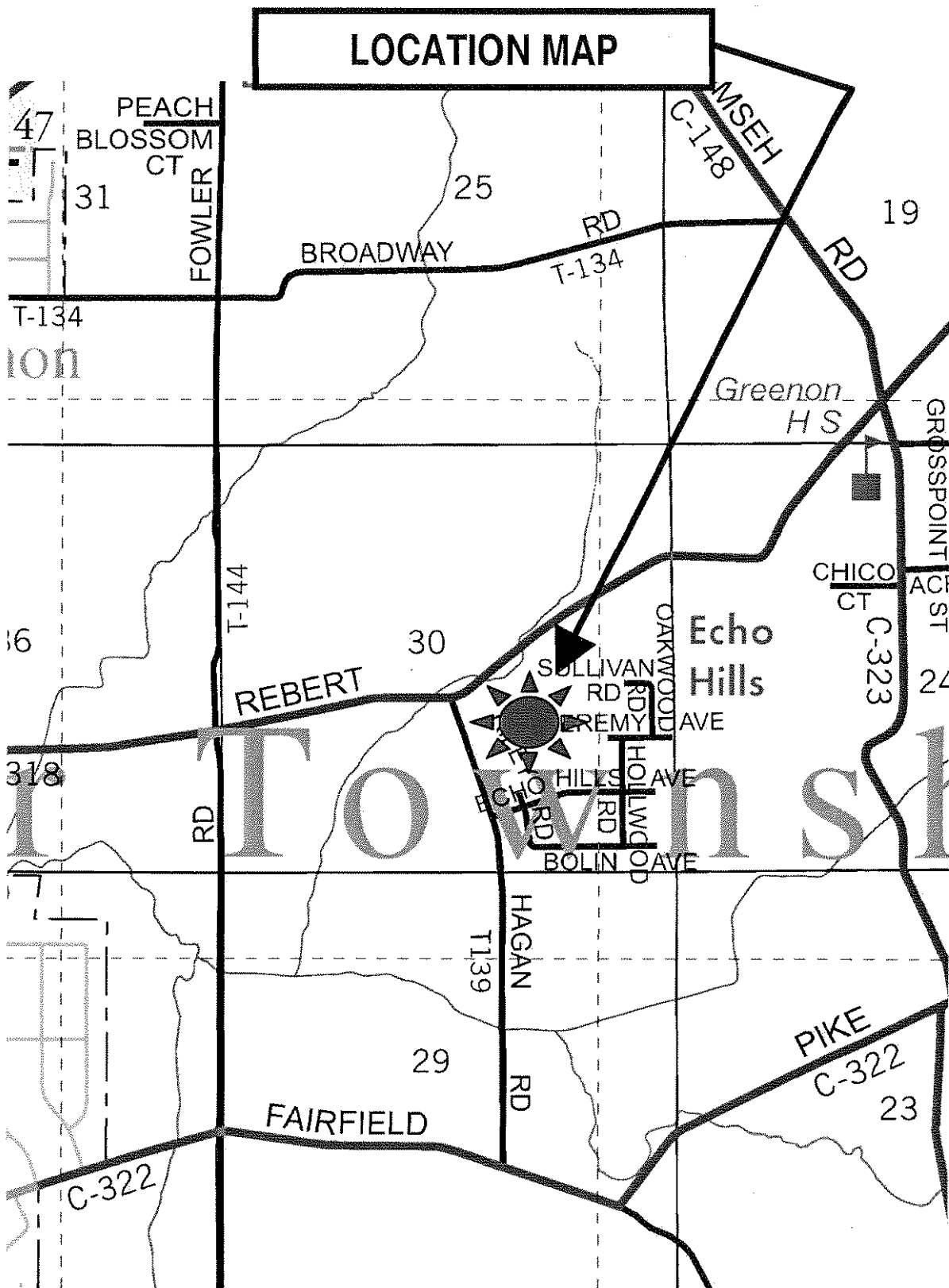
In addition to these four items, the Mad River Planning Committee urges the Clark County Planning Commission not to follow the practice established with preliminary and final subdivision plans for the Bluffs of Hunter's Glen. With both plans, the Planning Commission did not vote on nor approve the complete plans, but allowed the County Planning Staff to finalize open items with the developer. In view of the contentious nature of this subdivision plan in Mad River Township, the Committee urges the Planning Commission to approve/disapprove the entire plan without any leaving details awaiting finalization between the developer and County Staff. This will enable the Planning Commission to maintain a transparent process.

Again, the Mad River Planning Committee requests the Clark County Planning Committee to consider points related to: designed "natural areas," current or potential water contamination of the wells serving the home which will be built in the plat, total management of storm water drainage both in the plat and on the exit of that drainage from the plat, and the need to vote on a completed plan and not to defer details of the plan for completion after the Commission votes to approve/disapprove the plan.

Respectfully,



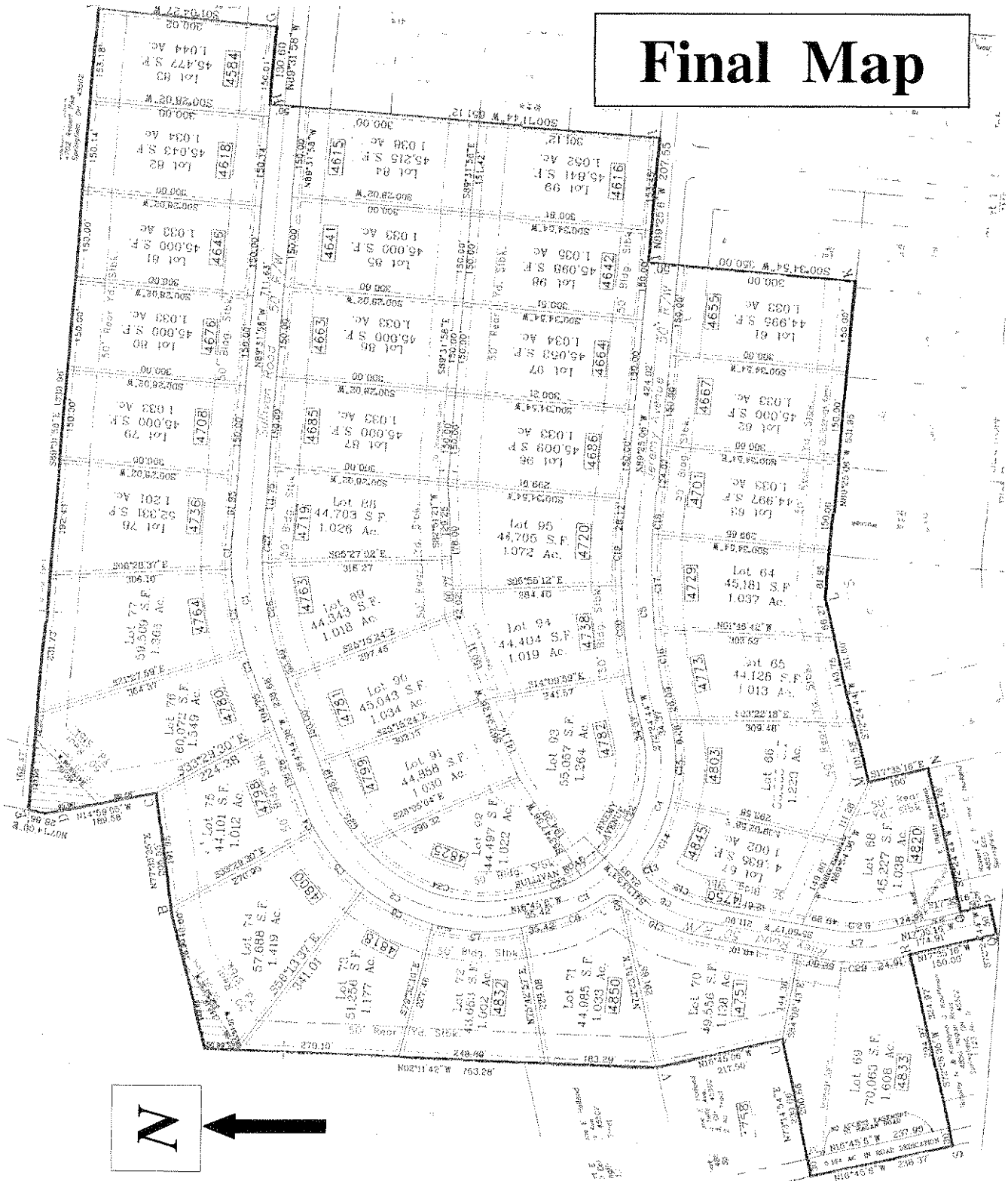
W. R. Correll, Chair



<b>SUBDIVISION</b>	<b>ECHO HILLS EST. SEC. 5</b>
<b>Preliminary &amp; Final</b>	<b>Mad River Twp.</b>

**ECHO HILLS EST. SEC. 5**  
**Mad River Twp.**

# Final Map



**SUBDIVISION ECHO HILLS EST. SEC. 5**  
**Preliminary & Final Mad River Twp.**

## Rezoning Case # Z-2005-5

To: Clark County Planning Commission	Date of Meeting: September 7, 2005
From: Planning Staff	Date of Report: August 30, 2005

**Applicant:** Ron Boling

**Request Action:** Rezone **from - R-1** (Rural Residence District)  
**to - B-2** (Community Business District)

**Purpose:** To establish a location for water tower service business

**Location:** Northeast corner of Schiller Rd. and Lake Rd.

**Size:** 14 Acres  $\pm$

**Existing Land Use:** old gravel pit / undeveloped

### Surrounding Land Use and Zoning:

	Land Use	Zoned
<b>North</b>	Commercial, Manufactured Home Park & Agriculture	I-1 (Industrial), B-1 (Neighborhood Business & A-1 (Agricultural))
<b>South</b>	Agriculture & Residential	A-1 (Agricultural) & R-2A (Medium Density Residential)
<b>East</b>	Residential & Agriculture	R-1 (Rural Residential)
<b>West</b>	Residential	R-1 (Rural Residential) & R-3 (Medium Density 1 & 2 Family)

### ANALYSIS

This area was zoned R-1 (Rural Residence) when zoning was originally adopted.

### REPORTS FROM OTHER AGENCIES

#### *County Engineer*

Pursuant to the request by Mr. Ron Boling of American Suncraft, the County Engineer has reviewed the request to rezone a portion of the property located north of Schiller Road, east of Lake Road from R-1 zoning to a B-2 Community Business District.

Access to a public roadway (Schiller Rd.) is directly available, via an existing drive onto Schiller Road. Changes or modifications to property may require the applicant to secure an updated access permit from Bethel Township.

Drainage appears adequate under the present use, however additional buildings, parking areas, etc. that encompass more than 1 acre, may require the development of storm water facilities to address accelerated runoff and erosion control issues. An outlet for the drainage may be directly available on site, in the event stormwater storage is required

Based upon our review of access and drainage, there are no objections to the requested change. As a side note, the formal application by Mr Boling will require an accurate map and description of the area proposed for rezoning (Section G; 1. (c)). (See August 17, 2005 letter)

### ***Soil Conservation***

The Clark Soil & Water Conservation District has reviewed the proposed site located on the north side of Schiller Road. The owner plans to construct a new pole barn and refurbish an existing barn for his water tower service operation. The following information is relative to soils and drainage.

#### **Soils**

The soils include Eldean and Carlisle Muck. See soil map included.

- Eldean soils are nearly level to sloping, well drained, and not subject to flooding. Relative to building site development, Eldean soils are rated Moderate due to shrink-swell potential for dwellings without basements, and slight for dwellings with basements.
- Carlisle Muck soils are Hydric-saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. These soils are nearly level and very poorly drained with a seasonal high water table from 0.5 foot above the surface to 1 foot below the surface from September to June. Relative to building site development, these soils are rated Severe due to ponding, low strength and excess humus for dwellings with and without basements. Location of building sites will be critical due to the presence of Carlisle Muck soils. These areas should be avoided for building site development.

#### **Drainage & Stormwater Management**

- The National Wetland Inventory Map indicates a wetland area on the proposed rezoning site. The area consists of 6 acres (there are 12 acres of wetlands with 6 located on adjacent property). The owner/developer should seek advice from the Army Corp of Engineers and Ohio EPA prior to any activities involving modifications within or adjacent to this area, since permits may be required.

This office does not object to the proposed zoning request, since the owner does not plan any major modification to the property or wetlands. (See August 16, 2005 letter)

### ***Combined Health District***

No report. The proposed use will be required to get OEPA approval or hook onto sewer / water.

### ***County Utilities Dept.***

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public sewer service is available to the property from Schiller Road through an extension of the County's vacuum sewer system. Ohio EPA will require sanitary sewer service at the property be connected to public sewer. The extension of the vacuum sewer system will require engineering plans and a Permit-to-Install ("PTI") from the Ohio EPA. The property owner will be required to fund preparation of engineering plans, obtain a PTI from the Ohio EPA, and construct the public sewer extension to the property. The Utilities Department shall review and approve engineering plans prior to submittal to the Ohio EPA.

We have no objections to the proposed rezoning subject to the comments outlined above. Please let me know if you have any questions or comments concerning the above. (See August 26, 2005 letter)

### ***Planning Department***

The Clark County Comprehensive Plan identifies this area as Medium density residential development (4 to 6 dwellings per acre - gross density) which should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. This is recommended for portions of Bethel, Mad River, Moorefield and Springfield townships. Neighborhoods should transition to business areas through the use of multi-family development and institutional uses. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

This parcel was formerly a gravel pit and has been dormant for many years. The area where the buildings for the business would be located are in the area of, but not in, the muck soil. This area would appear not to be a desirable location for residential. The applicant has a business where he would need to store equipment and have an office for the servicing of water towers.

### **RECOMMENDATION**

---

Although the proposed use does not coincide with the **CROSSROADS** Comprehensive Plan, a case can be made that this particular site is not good for residential development with the muck soils. The business does not appear to be intensive in nature. However we would recommend only 7 acres be rezoned the a B-2'S' with the Specific Use being a business to service water towers including an equipment storage building and office for said business.

#### Attachments:

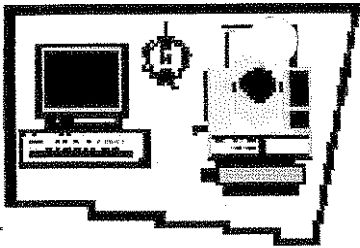
County Engineer's letter

Soil Conservation District's letter

Utilities Dept. letter

Location Map

Zoning Map



Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyoohio.gov/engineer](http://www.clarkcountyoohio.gov/engineer)

August 17, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Planner

Re: Rezoning Request  
14.5+ acres from R-1 to B-2  
PPN# 0500025200004 pt 53.20 acres  
Schiller Road

Mr. Tritle,

Pursuant to the request by Mr. Ron Boling of American Suncraft, the County Engineer has reviewed the request to rezone a portion of the property located north of Schiller Road, east of Lake Road from R-1 zoning to a B-2 Community Business District.

Access to a public roadway (Schiller Rd.) is directly available, via an existing drive onto Schiller Road. Changes or modifications to property may require the applicant to secure an updated access permit from Bethel Township.

Drainage appears adequate under the present use, however additional buildings, parking areas, etc. that encompass more than 1 acre, may require the development of storm water facilities to address accelerated runoff and erosion control issues. An outlet for the drainage may be directly available on site, in the event stormwater storage is required

Based upon our review of access and drainage, there are no objections to the requested change. As a side note, the formal application by Mr. Boling will require an accurate map and description of the area proposed for rezoning (Section G; 1. ( c )).

Sincerely,

Bruce C. Smith P.E., P.S.  
Clark County Engineer

Kenneth D. Fenton  
Deputy Engineer

Cc: Ron Boling

Donald Boyle - Road Superintendent  
Paul W. DeButy P.E. - Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank - Bridge Superintendent  
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William A. Pierce, P.S. - LIS Director  
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4400 Gateway Blvd. - Suite 103  
Springfield, Ohio 45502

Phone (937) 328-4600/4601  
Fax (937) 328-4606

*With the Right to Own – Goes the Duty to Conserve*

---

**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

August 16, 2005

Clark County Planning Department  
Phillip Tritle, Senior Planner  
25 West Pleasant St.  
Springfield, Ohio 45506

Re: Z-2005-5 ~ Proposed rezoning of approx. 14.5+ acres to B2  
Schiller Rd.~ Bethel Twp.

The Clark Soil & Water Conservation District has reviewed the proposed site located on the north side of Schiller Road. The owner plans to construct a new pole barn and refurbish an existing barn for his water tower service operation. The following information is relative to soils and drainage.

**Soils**

The soils include Eldean and Carlisle Muck. See soil map included.

- Eldean soils are nearly level to sloping, well drained, and not subject to flooding. Relative to building site development, Eldean soils are rated Moderate due to shrink-swell potential for dwellings without basements, and slight for dwellings with basements.
- Carlisle Muck soils are Hydric-saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. These soils are nearly level and very poorly drained with a seasonal high water table from 0.5 foot above the surface to 1 foot below the surface from September to June. Relative to building site development, these soils are rated Severe due to ponding, low strength and excess humus for dwellings with and without basements. Location of building sites will be critical due to the presence of Carlisle Muck soils. These areas should be avoided for building site development.

**Drainage & Stormwater Management**

- The National Wetland Inventory Map indicates a wetland area on the proposed rezoning site. The area consists of 6 acres (there are 12 acres of wetlands with 6 located on adjacent property). The owner/developer should seek advice from the Army Corp of Engineers and Ohio EPA prior to any activities involving modifications within or adjacent to this area, since permits may be required.

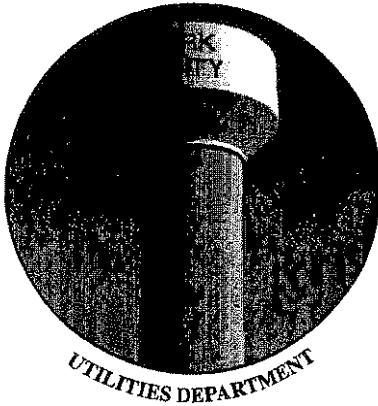
This office does not object to the proposed zoning request, since the owner does not plan any major modification to the property or wetlands.

Respectfully,

*Christine Pence*

Christine L. Pence, CPESC  
Urban Coordinator

CONSERVATION ~ DEVELOPMENT ~ SELF-GOVERNMENT



# Clark County Department of Utilities

Garfield Building • 25 W. Pleasant Street • P.O. Box 1303 • Springfield, Ohio 45501-1303  
Tel: (937) 328-2493 • Fax: (937) 328-2616 • [www.clarkcountyohio.gov](http://www.clarkcountyohio.gov)

Alice Godsey, P.E., *Director*  
Stephen Worl, P.E., P.S., *Deputy Director*

Christopher Neary, *Business Manager*  
Priya Krishna, *Customer Service Supervisor*  
David Leist, *Chief Operator*  
Dave Hasting, *Field Services Supervisor*

August 26, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Mr. Phil Tritle, Senior Planner

Re: Review Comments – Rezoning  
Case Z-2005-5, Schiller Rd. at Lake  
Rd.(14.5+ ac.)

Mr. Tritle,

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public sewer service is available to the property from Schiller Road through an extension of the County's vacuum sewer system. Ohio EPA will require sanitary sewer service at the property be connected to public sewer. The extension of the vacuum sewer system will require engineering plans and a Permit-to-Install ("PTI") from the Ohio EPA. The property owner will be required to fund preparation of engineering plans, obtain a PTI from the Ohio EPA, and construct the public sewer extension to the property. The Utilities Department shall review and approve engineering plans prior to submittal to the Ohio EPA.

We have no objections to the proposed rezoning subject to the comments outlined above. Please let me know if you have any questions or comments concerning the above.

Sincerely,

Charles W. Bauer, P.E.  
Deputy Director of Utilities

cc: Director Godsey, email

2253 Medway Carlisle  
Medway, Ohio 45341  
August 24, 2005

Rural Zoning Commission:

Since I am unable to attend the meeting on Wednesday, September 14<sup>th</sup>, 2005 concerning the fourteen acres on the northeast corner of Lake and Schiller road, I thought I might send this letter.

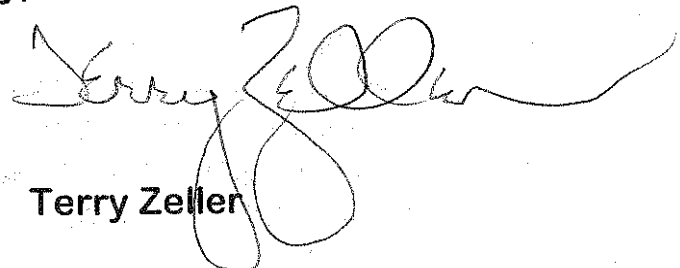
I am opposed to any of our rural residential district being converted to Community Business due to the fact that this area is 'under attack' in recent years with increased traffic of all sorts and especially, truck traffic. If any residential zoning is to be changed to business, it has to be small business only with minimal traffic increase and no major truck traffic whatsoever.

With I-675 sending more and more traffic northward thru and around Medway, the roads and the people of this area are 'swamped' with noise pollution and traffic. I, myself, live on Medway Carlisle road and it might as well be an extension of the freeway with no speed limit signs and people 'barreling' down the road as if still on I-675.

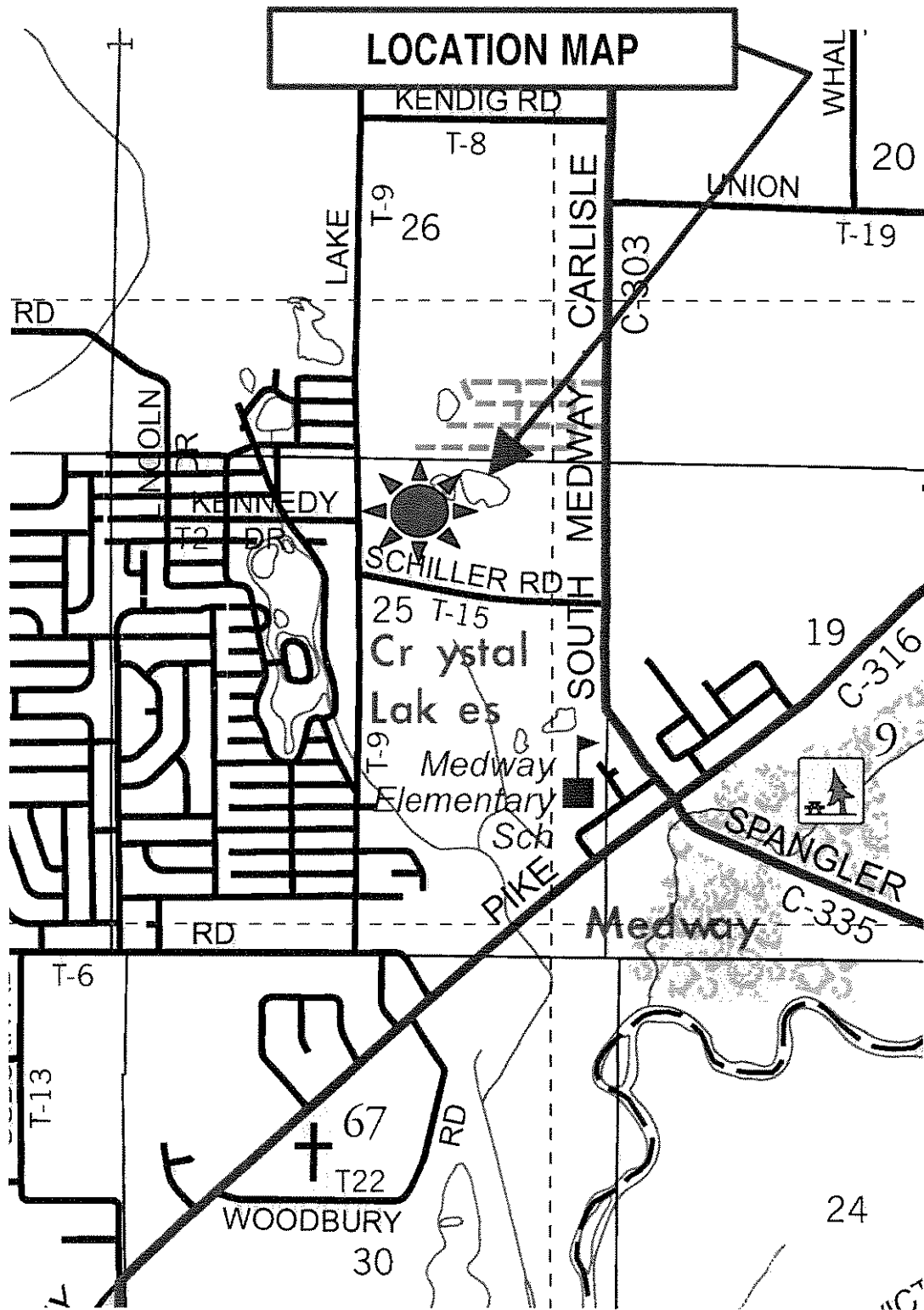
I can only hope that one day, the freeway will by pass Medway on its way northward and the people of this small community can live in peace while traffic and businesses remain on the outskirts of town and not within our quiet community.

Hopefully, you will do what is in our interests as a community and not the interest of business which so often cares very little about the land and the people.

Respectfully,

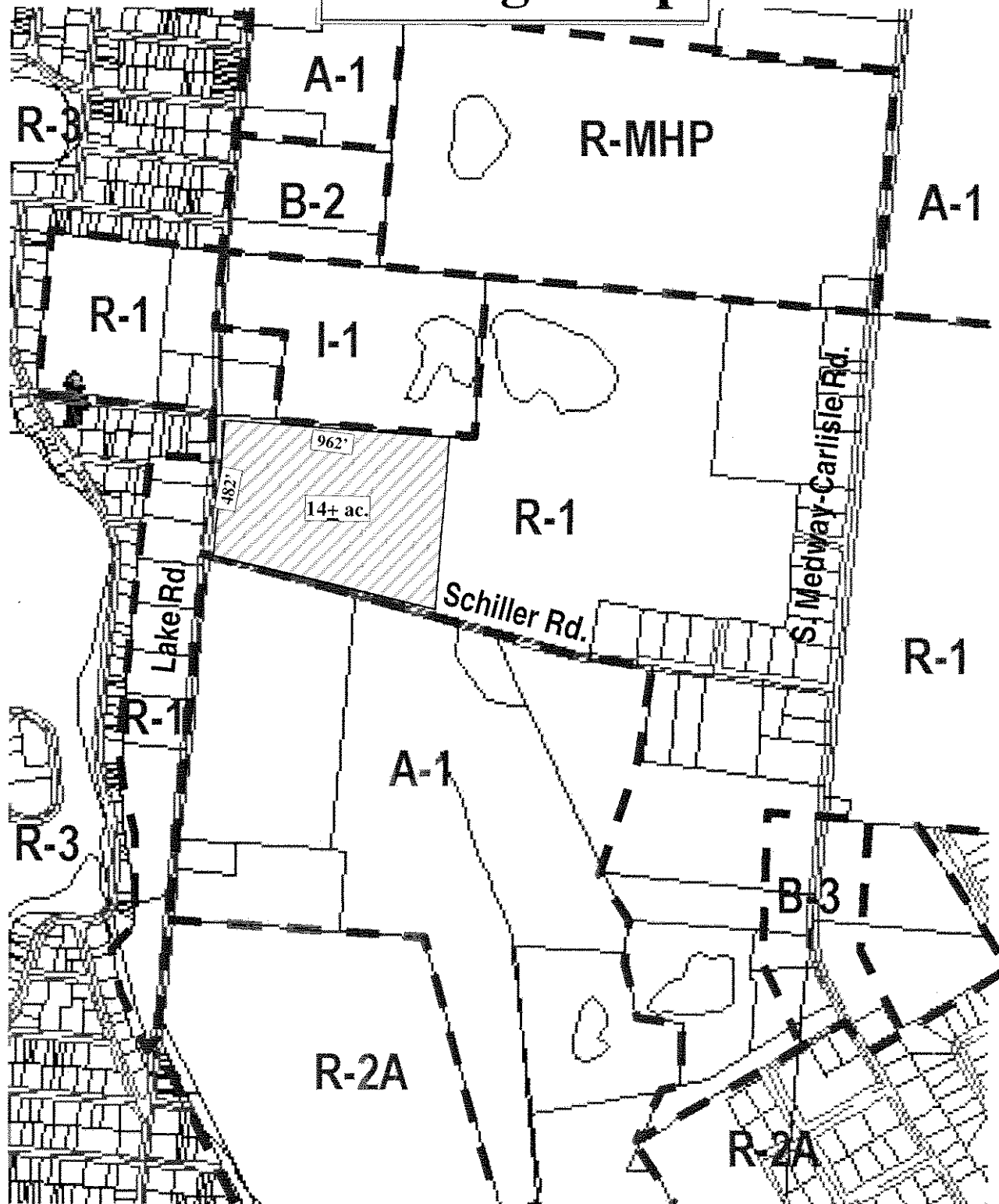


Terry Zeller



**REZONING CASE # Z-2005-5 R-1 to B-2**

# Zoning Map



**REZONING CASE #Z-2005-5 NE corner Lake Rd. & Schiller Rd.**  
**R-1 to B-2 14+ ac. Bethel Twp.**

## Rezoning Case # Z-2005-6

To: Clark County Rural Zoning Commission	Date of Meeting: September 7, 2005
From: Planning Staff	Date of Report: August 30, 2005

**Applicant:** Daniel E. Demmy

**Request Action:** Rezone **from - A-1** (Agriculture District)  
**to - R-2** (Low Density Single-Family Residence District)

**Purpose:** To develop single-family residential subdivision

**Location:** 5855 Enon-Xenia Rd. / 8535 Dayton-Springfield Rd.

**Size:** 340 Acres  $\pm$

**Existing Land Use:** Agriculture & Residential

### Surrounding Land Use and Zoning:

	Land Use	Zoned
North	Agriculture & Residential	A-1 (Agricultural), R-2 (Low Density Residential), & R-2A (medium Density Residential)
South	Agriculture & Residential	Greene County, Bath Twp.
East	Agriculture & Residential	A-1 (Agricultural) & R-1 (Rural Residential)
West	Agriculture, Commercial & Residential	A-1 (Agricultural), B-3 (General Business) & I-1 (Industrial)

### ANALYSIS

This area was zoned A-1 Agricultural when zoning was originally adopted.

### REPORTS FROM OTHER AGENCIES

#### *County Engineer*

Pursuant to the rezoning request by Mr. Daniel Demmy, the County Engineer has reviewed the property located between Dayton Road and Enon Xenia Road, north of county's line between Clark and Greene County, from A-1 Agricultural to R-2 Low Density Single Family Residential District. Access to a public roadway is directly available, at several possible locations:

1. Emmons Street – an existing stub street off Philadelphia Drive, which connects directly to Dayton Springfield Road.
2. Clifty Street – a proposed stub street south off Bluff Boulevard currently scheduled for development. Bluff Boulevard is a proposed collector street off Enon Xenia Road with an approved access location.
3. Frontage along Enon Xenia and Dayton Road, but the spacing between existing intersections is not desirable.

**Drainage** appears adequate under the present agricultural use. There are several drainage related issues, which may be considered:

1. The existing 100 year floodplain along Mud Run encompasses approximately 25% of the area requested for rezoning. This area would most likely be preserved in a natural state.
2. A portion of the parcel near Enon Xenia is being utilized for detention basin for the Bluffs at Hunter's Glen. The detention basin could be built and remain as presently designed, or relocated with the proper approvals.
3. Additional detention would be required, based upon the proposed land use. There are several areas that potentially meet the needs for this use, based upon the existing topography of the area.

**Traffic**

1. The county currently has capacity on both Dayton Springfield Road and Enon Xenia Road.
2. The county is pursuing a long-range plan to make improvements along Dayton Road to address growing traffic concerns.

The County Engineer has no objection to the proposal to rezone the above property, subject to the limited access locations and restricted development along the floodplain corridor. (See August 17, 2005 letter)

**Soil Conservation**

The Clark Soil & Water Conservation District has reviewed the rezoning request for the above site and has provided the following information relative to soils and drainage.

**Soils**

- Celina (CeA 0-2%. CeB 2-6%) soils are nearly level and moderately well drained with a perched water table from 2-3.5 feet in depth from January to April, but are not subject to flooding. Soil limitations regarding dwellings without basements are rated Moderate due to wetness, while dwellings with basements are rated Severe due to wetness. 'This site includes 10 acres of these soils.
- Crosby (CrA 0-2%) soils are nearly level and somewhat poorly drained with a perched water table from 1 to 3 feet from January to April. The SPI rates Crosby soils Medium (70). Soil limitations for building site development are rated Severe for dwellings with basements due to wetness, and Moderate for dwellings without basements due to wetness and shrink-swell potential. This site includes 19 acres of these soils.
- Donnelsville-rock outcrop complex (DpF 30-70 %) This deep soil is very steep and well drained. It is on side slopes with rock outcrops. The parent material is colluvium and residuum from limestone. Large rock fragments are present throughout the soil. Soil limitations for building site development are rated Severe for dwellings with or without basements due to slope and rock. This site includes 24 acres of these soils.
- Eldean (EpD2. 12-16%) soils are moderately steep, well drained and not subject to flooding. Soils limitations for building site development are rated Moderate due to slope for dwellings with or without basements. This site includes 18 acres of these soils.
- Eldean silt loam (EmA 0-2%. EmB 2-6%), This very deep soil is nearly level to gently sloping and moderately well drained. It is on terraces along streams. Generally, this soil is not subject to flooding. Soil limitations for building site development are rated Slight-Moderate for dwellings with or without basements due to shrink-swell. This site includes 10 acres of these soils.
- Eldean silt loam (EmB2 2-6%.EmC.2 6-12%) This very deep soil is gently sloping and well drained. It is located along drainageways on stream terraces and on gravel knolls on uplands. This soil is not subject to flooding. Soil limitations for building site development are rated Slight-Moderate for dwellings with or without basements due to shrink-swell. This site includes 16 acres of these soils.

- Kokomo (Ko) soils are nearly level and somewhat poorly drained with a seasonal high water table from 0.5 foot above the surface to 1 foot below the surface from December to May but is not subject to flooding. Soils limitations for building site development are rated Severe due to ponding for dwellings with or without basements. This site includes 1 acre of these soils.
- Lippincott silty clay loam (Lp) This very deep soil is nearly level and very poorly drained. It is in flats, drainageways, and depressions. The parent material is glacial outwash. This soil has a seasonal high water table from 1 foot above the surface to 1 foot below the surface from December to May but is not subject to flooding. Soil limitations for building site development are rated Severe for dwellings with or without basements due to ponding water. This site includes 8 acres of these soils.
- Miamian (MhA, 0-2% slope, MhB, 2-6% slope) soils are nearly level to gently sloping and well drained. Soils limitations for building site development are rated Moderate-Slight for dwellings with or without basements. This site includes 50 acres of these soils.
- Miamian (MhC2, MhB2, 2-6%) soils are sloping, well drained and not subject to flooding. Soils limitations for building site development are rated Moderate due to shrink-swell and slope for dwellings with or without basements. This site includes 35 acres of these soils.
- Milton silt loam (MtA 0-2%, MtB 2-6%) This moderately deep soil is nearly level and well drained. It is located on upland ridgetops. Limestone bedrock is at a depth of 20 to 40 inches. Soil limitations for to shallow depth to rock. This site includes 33 acres of these soils.
- Milton (MvC2 6-12%) eroded This moderately deep soil is sloping and well drained. It is on side slopes. Limestone bedrock is at a depth of 20 to 40 inches. Soil limitations for building site development are rated Severe for dwellings with or without basements due to shallow depth to rock.
- Ocklev silt loam (OcA 0-2%) This very deep soil is nearly level and well drained. It is on terraces along larger streams. This soil is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Moderate due to shrink-swell. This site includes 25 acres of these soils.
- Rodman (RgE, 18-35%) deep soil is steep and excessively drained and not subject to flooding. Soils limitations for building site development are rated Severe due to slope for dwellings with or without basements. This site includes 5 acres of these soils.
- Tremont silt loam (Ts) occasionally flooded. This very deep soil is nearly level and moderately well drained. It is on flats. The parent material is stream deposits. This soil is subject to occasional flooding. Soil limitations for building site development are rated Severe for dwellings with or without basements due to wetness. This site includes 8 acres of these soils.
- Westland silty clay loam (Wt) This soil is nearly level and very poorly drained. This soil is saturated from December to May but is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Severe due to ponding (water). This site includes 64 acres of these soils.

### **Drainage**

The stream, Mud Run and a tributary stream flows through the site and should not be disturbed. Based on the FEMA maps, a significant amount of acreage, approximately 75 acres, in the Westland, Lippincott and Eldean soils are located in the 100 year flood plain. It is strongly recommended to avoid these areas for building site development, stormwater management or roadways. There are obvious areas where Mud Run actually floods out of its channel and across the existing cropland. Any alterations of the floodplain would require consultation from FEMA, and alterations to Mud Run would require consultation from the Army Corp of Engineers.

The proposed use will require the management of stormwater. Information shall be provided for the management of stormwater, including the control and treatment of accelerated on-site runoff, to a stable receiving outlet. Currently, an adequate outlet is not available onsite. Throughout the development planning process, careful consideration should be given to minimizing the amount of impervious areas for parking and integrating more areas for natural stormwater management, such as bioretention, pervious pavement, etc.



Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. In addition to submittal of the NOI application, the SWPPP shall identify potential sources of pollution, which may affect the quality of storm water discharges associated with construction activity.

#### **Prime Farmland**

Of the 340 total acres included in the property, 270 acres are farmland. These soils are capable of producing Clark County's 5<sup>th</sup> highest corn yields and 3<sup>rd</sup> highest soybean and wheat yields.

#### **Existing Natural Features**

The existing woodland and stream buffer areas should be preserved to the maximum extent, possibly by incorporating open space into the plans.

In summary, there are many soil types with various limitations for building site development, due to flood plain, seasonal water table and shallow bedrock. The access to Dayton Road is a concern due to the floodplain and unstable soils. These concerns appear to be applicable on the western parcel of land. The eastern portion, however, does not appear to have such major issues to overcome.

Due to the large size of this property and numerous concerns regarding building site development, more information is needed to prior to any recommendations from this office. (See August 16, 2005 letter)

#### ***Combined Health District***

No report. The proposed development will utilize public sewer and water.

#### ***County Utilities Dept.***

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public water and sewer service is available to the northern portion of the property from the County's Mud Run Sanitary Sewer trunk line that runs across the property and the 12-inch diameter water line extension constructed along Dayton-Springfield Road. Public extensions of water and sewer mains required for development of the Bluffs at Hunters Glenn will provide access to public sewer and water to the southern portion of the site that fronts to Enon-Xenia Road.

No specific development plans were provided with the zoning application that would allow a detailed evaluation of water and sewer system capacities at this time. Current water and sewer capacities in Mad River Township as they relate to the possible development of this property are discussed below.

The County Utilities Department purchases water from the Village of Enon to provide service to the surrounding areas of Mad River Township. The following summarizes the Enonwater plant production capacity (reference 2-23-05 OEPA evaluation survey):

#### **Plant Production**

Average Daily: 0.640 million gallons per day ("MGD")  
Design Capacity: 1.50 MGD  
2004 Peak: 0.980 MGD

A new one million gallon water storage standpipe owned by the County located southeast of Holiday Valley is scheduled to go into service by August 31, 2005. Bringing this new water storage tank online should reduce the peak production of Enon's water plant.

The County's Southwest Regional Wastewater Treatment Plant's ("WWTP") service area includes Mad River Township and the areas being considered for re-zoning. The plant's average daily design capacity is 2.0 MGD. Current average daily flow rates are about 1.4 MGD. The County is working toward expansion of the Southwest WWTP. Any development resulting from this rezoning will be required to pay a proportionate share of the cost WWTP expansion.

Based on our review of the information provided, we have no objections to the proposed rezoning.

### ***Mad River Township Planning Committee***

The Mad River Township Planning Committee notes several issues that need to be resolved:

- Mad River Twp. Representatives objected to the designation of this area as Medium Density Residential.
- The Mad River Comprehensive Plan shows this area as agriculture.
- The applicant has not met with Township Planning Committee.
- Indications are this will subject to referendum.
- Size of rezoning is unprecedented.
- This rezoning is an attempt to avoid Township Zoning.
- Concerned the land will be made available to another developer.
  
- Land contains storm water retention for The Bluffs. There is no easement for this retention area. The status of this matter must be clarified before rezoning can be considered.

The Mad River Township Planning Committee objects to this rezoning and requests a disapproval and denial. *(See August 31, 2005 letter for exact wording)*

### ***Planning Department***

The Clark County Comprehensive Plan identifies this area as Medium density residential development (4 to 6 dwellings per acre - gross density) which should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. This is recommended for portions of Bethel, Mad River, Moorefield and Springfield townships. Neighborhoods should transition to business areas through the use of multi-family development and institutional uses. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

In reviewing this request, it is apparent that this case has several important development issues which will need to be addressed. Most of the said issues are better addressed at the subdivision level but consist mainly of:

- 1) the size of the request is substantial - 340 acres.
- 2) physical limitations - flood plain, topography, soils, drainage, & access.
- 3) water & sewer extensions will be required.
- 4) traffic.

All of the agencies point out concerns but none object to the request provided their concerns are taken into account. We conclude this is because these items can and will be addressed later as preliminary and final plat plan are submitted.

It should be noted that while the requested area is 340 acres, buildable area will encompass approximately 208 acres as noted below:

340 ac. requested area	
- 75 ac. floodplain	
265 ac.	
- 20 ac. hillside, etc.	
245 ac.	
- 37 ac. street R-O-W (15% approx.)	
208 ac. buildable acreage =	400 - 420 lots @ ½ ac ea.

We have met with the applicant's representative to discuss the issues noted in the various reports (except the Mad River Township Planning Committee) and they recognize the concerns and indicate they will be addressed at the subdivision phase. Also they are contacting the Village of Enon concerning an approval for utilizing village water.

## **RECOMMENDATION**

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Although this is a major request, we note that it is in conformance with the **CROSSROADS** Comprehensive Plan. The issues noted in this report are common and we feel the applicant can reasonably deal with them. Since the applicant has indicated a lot density consistent with half acre lots but the R-2 Zoning District allows a lot size of 12,000 sq. ft.(or quarter ac.), we feel it would be prudent to approve an R-2'S' with a "Specific Use" of no more than 420 single-family residential lots. It should be noted that this rezoning will not affect the current FP (Flood Plain) Overlay District which will remain in place as is.

Attachments:

County Engineer's letter

Soil Conservation District's letter

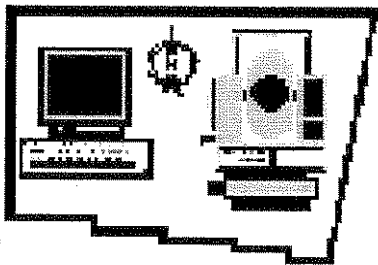
County Utilities Dept. Letter

Mad River Township Planning Committee letter

Applicant's letter

Location Map

Zoning Map



Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyohio.gov/engineer](http://www.clarkcountyohio.gov/engineer)

August 17, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Planner

Re: Rezoning Request Z-2005-6  
340+ acres from A-1 to R-1

Mr. Tritle,

Pursuant to the rezoning request by Mr. Daniel Demmy, the County Engineer has reviewed the property located between Dayton Road and Enon Xenia Road, north of county's line between Clark and Greene County, from A-1 Agricultural to R-2 Low Density Single Family Residential District.

Access to a public roadway is directly available, at several possible locations:

1. Emmons Street – an existing stub street off Philadelphia Drive, which connects directly to Dayton Springfield Road.
2. Cliffty Street – a proposed stub street south off Bluff Boulevard currently scheduled for development. Bluff Boulevard is a proposed collector street off Enon Xenia Road with an approved access location.
3. Frontage along Enon Xenia and Dayton Road, but the spacing between existing intersections is not desirable.

Drainage appears adequate under the present agricultural use. There are several drainage related issues, which may be considered:

1. The existing 100 year floodplain along Mud Run encompasses approximately 25% of the area requested for rezoning. This area would most likely be preserved in a natural state.
2. A portion of the parcel near Enon Xenia is being utilized for detention basin for the Bluffs at Hunter's Glen. The detention basin could be built and remain as presently designed, or relocated with the proper approvals.
3. Additional detention would be required, based upon the proposed land use. There are several areas that potentially meet the needs for this use, based upon the existing topography of the area.

Traffic

1. The county currently has capacity on both Dayton Springfield Road and Enon Xenia Road.

Donald Boyle – Road Superintendent  
Paul W. DeButy P.E. – Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank – Bridge Superintendent  
Pamela Fulton – Office Assistant

William A. Pierce, P.S. – LIS Director  
Shayne Gray – GIS/CAD Coordinator  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor  
Ned G. Weber, Deputy Engineer

2. The county is pursuing a long-range plan to make improvements along Dayton Road to address growing traffic concerns.

The County Engineer has no objection to the proposal to rezone the above property, subject to the limited access locations and restricted development along the floodplain corridor.

Sincerely,

Bruce C. Smith P.E., P.S.  
Clark County Engineer

A handwritten signature in cursive script, appearing to read "Kenneth D. Fenton".

Kenneth D. Fenton  
Deputy Engineer



4400 Gateway Blvd. - Suite 103  
Springfield, Ohio 45502

Phone (937) 328-4600/4601  
Fax (937) 328-4606

*With the Right to Own – Goes the Duty to Conserve*

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**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

August 16, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attn: Phil Tritle

Re: Z-2005-6~Rezoning 340 acres, A1 to R2  
Dan Demmy~Enon Xenia/Dayton Rd.~ MR Twp.

Mr. Tritle,

The Clark Soil & Water Conservation District has reviewed the rezoning request for the above site and has provided the following information relative to soils and drainage.

**Soils**

- Celina (CeA 0-2%, CeB 2-6%) soils are nearly level and moderately well drained with a perched water table from 2-3.5 feet in depth from January to April, but are not subject to flooding. Soil limitations regarding dwellings without basements are rated Moderate due to wetness, while dwellings with basements are rated Severe due to wetness. This site includes 10 acres of these soils.
- Crosby (CrA 0-2%) soils are nearly level and somewhat poorly drained with a perched water table from 1 to 3 feet from January to April. The SPI rates Crosby soils Medium (70). Soil limitations for building site development are rated Severe for dwellings with basements due to wetness, and Moderate for dwellings without basements due to wetness and shrink-swell potential. This site includes 19 acres of these soils.
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- Eldean (EpD2, 12-16%) soils are moderately steep, well drained and not subject to flooding. Soils limitations for building site development are rated Moderate due to slope for dwellings with or without basements. This site includes 18 acres of these soils.
- Eldean silt loam (EmA 0-2%, EmB 2-6%), This very deep soil is nearly level to gently sloping and moderately well drained. It is on terraces along streams. Generally, this soil is not subject to flooding. Soil limitations for building site development are rated Slight-Moderate for dwellings with or without basements due to shrink-swell. This site includes 10 acres of these soils.
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CONSERVATION      ~      DEVELOPMENT      ~      SELF-GOVERNMENT

- Kokomo (Ko) soils are nearly level and somewhat poorly drained with a seasonal high water table from 0.5 foot above the surface to 1 foot below the surface from December to May but is not subject to flooding. Soils limitations for building site development are rated Severe due to ponding for dwellings with or without basements. This site includes 1 acre of these soils.
- Lippincott silty clay loam (Lp) This very deep soil is nearly level and very poorly drained. It is in flats, drainageways, and depressions. The parent material is glacial outwash. This soil has a seasonal high water table from 1 foot above the surface to 1 foot below the surface from December to May but is not subject to flooding. Soil limitations for building site development are rated Severe for dwellings with or without basements due to ponding water. This site includes 8 acres of these soils.
- Miamian (MhA, 0-2% slope, MhB, 2-6% slope) soils are nearly level to gently sloping and well drained. Soils limitations for building site development are rated Moderate-Slight for dwellings with or without basements. This site includes 50 acres of these soils.
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- Milton (MvC2 6-12%, eroded) This moderately deep soil is sloping and well drained. It is on side slopes. Limestone bedrock is at a depth of 20 to 40 inches. Soil limitations for building site development are rated Severe for dwellings with or without basements due to shallow depth to rock. This site includes 15 acres of these soils.
- Ockley silt loam (OcA 0-2%)~ This very deep soil is nearly level and well drained. It is on terraces along larger streams. This soil is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Moderate due to shrink-swell. This site includes 25 acres of these soils.
- Rodman (RgE, 18-35%) deep soil is steep and excessively drained and not subject to flooding. Soils limitations for building site development are rated Severe due to slope for dwellings with or without basements. This site includes 5 acres of these soils.
- Tremont silt loam (Ts) occasionally flooded. This very deep soil is nearly level and moderately well drained. It is on flats. The parent material is stream deposits. This soil is subject to occasional flooding. Soil limitations for building site development are rated Severe for dwellings with or without basements due to wetness. This site includes 8 acres of these soils.
- Westland silty clay loam (Wt)~ This soil is nearly level and very poorly drained. This soil is saturated from December to May but is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Severe due to ponding (water). This site includes 64 acres of these soils.

### Drainage

The stream, Mud Run and a tributary stream flows through the site and should not be disturbed. Based on the FEMA maps, a significant amount of acreage, approximately 75 acres, in the Westland, Lippincott and Eldean soils are located in the 100 year flood plain. It is strongly recommended to avoid these areas for building site development, stormwater management or roadways. There are obvious areas where Mud Run actually floods out of its channel and across the existing cropland. Any alterations of the floodplain would require consultation from FEMA, and alterations to Mud Run would require consultation from the Army Corp of Engineers.

The proposed use will require the management of stormwater. Information shall be provided for the management of stormwater, including the control and treatment of accelerated on-site runoff, to a stable receiving outlet. Currently, an adequate outlet is not available onsite. Throughout the development planning

process, careful consideration should be given to minimizing the amount of impervious areas for parking and integrating more areas for natural stormwater management, such as bioretention, pervious pavement, etc.

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### **Prime Farmland**

Of the 340 total acres included in the property, 270 acres are farmland. These soils are capable of producing Clark County's 5<sup>th</sup> highest corn yields and 3<sup>rd</sup> highest soybean and wheat yields.

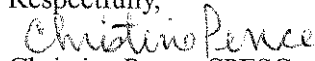
### **Existing Natural Features**

The existing woodland and stream buffer areas should be preserved to the maximum extent, possibly by incorporating open space into the plans.

In summary, there are many soil types with various limitations for building site development, due to flood plain, seasonal water table and shallow bedrock. The access to Dayton Road is a concern due to the floodplain and unstable soils. These concerns appear to be applicable on the western parcel of land. The eastern portion, however, does not appear to have such major issues to overcome.

Due to the large size of this property and numerous concerns regarding building site development, more information is needed to prior to any recommendations from this office.

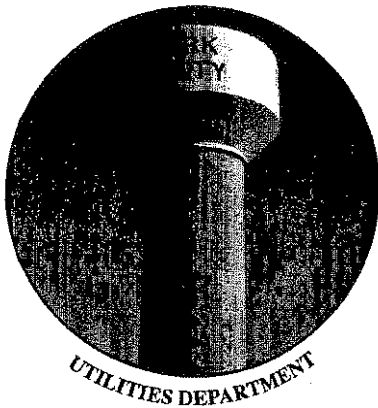
Respectfully,



Christine Pence, CPESC

Urban Coordinator





# Clark County Department of Utilities

Garfield Building • 25 W. Pleasant Street • P.O. Box 1303 • Springfield, Ohio 45501-1303  
Tel: (937) 328-2493 • Fax: (937) 328-2616 • [www.clarkcountyohio.gov](http://www.clarkcountyohio.gov)

Alice Godsey, P.E., *Director*  
Stephen Worl, P.E., P.S., *Deputy Director*

Christopher Neary, *Business Manager*  
Priya Krishna, *Customer Service Supervisor*  
David Leist, *Chief Operator*  
Dave Hasting, *Field Services Supervisor*

August 26, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Mr. Phil Tritle, Senior Planner

Re: Review Comments – Rezoning  
Case Z-2005-6, 5855 Enon-Xenia &  
8535 Dayton Springfield Roads  
(340.28 ac.)

Mr. Tritle,

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public water and sewer service is available to the northern portion of the property from the County's Mud Run Sanitary Sewer trunk line that runs across the property and the 12-inch diameter water line extension constructed along Dayton-Springfield Road. Public extensions of water and sewer mains required for development of the Bluffs at Hunters Glenn will provide access to public sewer and water to the southern portion of the site that fronts to Enon-Xenia Road.

No specific development plans were provided with the zoning application that would allow a detailed evaluation of water and sewer system capacities at this time. Current water and sewer capacities in Mad River Township as they relate to the possible development of this property are discussed below.

The County Utilities Department purchases water from the Village of Enon to provide service to the surrounding areas of Mad River Township. The following summarizes the Enon water plant production capacity (reference 2-23-05 OEPA evaluation survey):

**Plant Production**

Average Daily:	0.640 million gallons per day ("MGD")
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Based on our review of the information provided, we have no objections to the proposed rezoning. Please let me know if you have any questions or comments concerning the above.

Sincerely,



Charles W. Bauer, P.E.  
Deputy Director of Utilities

cc: Director Godsey, email

## MAD RIVER TOWNSHIP

Trustees: Robert McClure, Jr., Richard J. Schumann, Kathy Estep

Clerk: James A. Matthews

260 East Main Street, Box 34, Enon, OH 45323

[www.madrivertownship.org](http://www.madrivertownship.org)

August 31, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506-2268

RE: Rezoning Case Z-2005-6, Daniel E. Demmy

Dear Sirs:

The Mad River Township Planning Committee has reviewed this request and has serious concerns about the requested rezoning. These concerns are:

1. Although Crossroads has this area as Medium Density Residential, 4-6 residences/acre, Mad River Township representatives objected to this designation at the Crossroads final meeting. They acquiesced to the approval of the plan when they were assured that the Township Plans could refine the map and take care of the problem. That is what the township has been doing for the past few years.
2. The Mad River Township Comprehensive Land Use Plan has designated this area as agricultural and identified other land, in excess of 500 acres, closer to the Village of Enon for future residential development. Additional areas of difference from the Township Plan are:
  - The density of R-2 zoning of 3.5 residences/acre is much higher than the one residence/acre recommended in the Township Plan
  - Crossroads encourages farmland preservation, protection of natural areas, and avoidance of poor building areas such as floodplains and steep slopes. These are also concerns of Mad River Township residents as reflected in our Township Plan. This rezoning proposal does not show how these concerns will be met. The Township Plan recommends the use of Planned Unit Developments (PUDs) and conservation subdivision designs as the preferred rezoning approaches to address these concerns. R-2 zoning is neither a PUD nor a conservation subdivision.
  - The rezoning request does not address the infrastructure capacity needed to support any development of the land in question. These issues are alluded to in an accompanying attorney's letter, but this letter is misleading. There is no known approval by the Village of Enon to supply surplus water; the Southwest Sewage Treatment Plant may not have the capacity to support the ~1,000 homes associated with R-2 zoning. Further, future expansion of this plant is not guaranteed. The potential number of homes associated with R-2 zoning would

probably exceed the carrying capacity of West Enon and Dayton Roads. The Township Plan states that township two lane roads will not be widened. Given the above, there is no infrastructure to support any development associated with this rezoning.

3. Contrary to other developers' practices, Mr. Demmy has not met with the Mad River Township Planning Committee to get the Committee's input about possible development schemes for the rezoned land. This input offers a valuable communication mechanism between the developer and township citizens and allows both to reach compromises about the size, nature, scope and timing of any development. Another result of this interaction is community support of any proposed development.
4. Because there has been no attempt at communication with township citizens and in light of the historical reaction in the township to such large scale rezoning actions, the Committee believes this request is contrary to the wishes of the citizens of Mad River Township. Within the past two years, the citizens of the Township overwhelming rejected a similar, but smaller and lower density rezoning, in a referendum. Indications are that if this rezoning is approved, this rezoning will be subject to a referendum.
5. The size of this request, ~340 acres, is unprecedented in Mad River Township. The number of homes, ~1150, which could be supported by this rezoning amounts to a 46-year supply of new homes, given Mad River Township's historic absorption rate of 25 new homes per year. Before any development can occur on this land, additional new home construction totaling ~590 new homes will probably occur before the start any construction on this land. This implies that any development of this land will probably no occur until 2015 or later. Given such a long lead time prior to development, this rezoning request is premature.
6. As the Clark County Planning Commission is aware, Mad River Township will have a referendum to approve/disapprove Township Zoning in the November General Election. The timing of this rezoning relative to the long delay before anticipated construction implies this rezoning request is an attempt to avoid Township Zoning, should it be approved. Given the size of the request and that it varies considerably from the Township Plan, the request deserves careful scrutiny by the citizens of Mad River Township - not a quick review at the county-level.
7. Since the zoning stays with the property and not the owner, there is no assurance that the applicant will not sell the land to another developer once the rezoning occurs. The Committee does not view this request as an extension to the Bluffs of Hunters' Glen, which has not started the first phase of development. The Committee is concerned that this rezoning will make the land available to another developer, possibly a national developer, with little interest in retaining the rural character of our township. Such a sale is inimical to the wishes of the citizens of Mad River Township as expressed in the


Rezoning Request Z-2005-6, Daniel E. Demmy

8/31/2005

Township's Comprehensive Land Use Plan and through zoning referendum. All we can assume is that 3.5 homes per acre on all the buildable acreage will come about in a manner inconsistent with the desires of the citizens of Mad River Township.

8. The land in this rezoning request contains a storm water retention basin approved as part of the final subdivision plan for the Bluffs of Hunter's Glen. When the subdivision plan was approved on July 6, 2005, the land containing the retention basin was owned by the Bluffs of Hunter's Glen LLC, the same organization developing the Bluffs of Hunter's Glen subdivision. On July 12, 2005, this land was sold by the Bluffs of Hunter's Glen LLC to Mr. Demmy. The deed attached to the rezoning request does not have an easement for the retention basin for the Bluffs of Hunter's Glen. The "off-site" nature of the retention basin was of concern to the Clark County Planning Commission in approving the Bluffs of Hunter's Glen subdivision plan. At that time, the Planning Commission was assured by the developer's engineer that this concern was not valid since the same entity controlled all the land in question. This is no longer the case. The status of the Hunters' Glen retention basin must be clarified before any rezoning request can be considered.

The Mad River Township Planning Committee objects to this rezoning and requests the Planning Staff and Clark County Planning Commission recommend disapproval and that the Clark County Rural Zoning Commission deny this rezoning request.

Respectfully,  
  
W. R. Costel, Chair

JOHN D. EMERICH  
JAMES F. PEIFER  
QUINTON R. DRESSEL

JAMES F. PEIFER  
ATTORNEY AT LAW  
SUITE 300, THE EDISON CENTER  
20 SOUTH LIMESTONE STREET  
P. O. BOX 1087  
SPRINGFIELD, OHIO 45501-1087  
TELEPHONE 937-325-7365  
TELEFAX 937-325-9584

THOMAS T. TAGGART  
(1926-1988)  
RICHARD H. WEHLER  
(1924-1992)

August 9, 2005

BOARD OF CLARK COUNTY  
COMMISSIONERS  
50 E COLUMBIA ST  
SPRINGFIELD OH 45502

Members of the Commission:

Transmitted herewith is the request of Daniel E. Demmy to rezone approximately 337.93 acres of real estate situated in Mad River Township from its current A-1 County zoning classification to an R-2 single family residence zoning classification. Enclosed with this application are two copies of a map showing the property to be rezoned highlighting the area to be rezoned marked Exhibit A-1, two copies of a tax map showing the 200 foot radius marked Exhibit A-2, copies of the various deeds comprising the property sought to be rezoned labeled as Exhibit B, a list of all surrounding property owners located within 200 feet of the area sought to be rezoned marked as Exhibit C and the required application fee.

The property is located near areas of concentrated single family development and agriculture land. It is adjacent to Green Meadows Subdivision and is located in close proximity to Hunters Glenn and The Bluffs at Hunters Glenn Subdivisions. The owner plan on developing the territory sought for rezoning into lots with single family homes on them similar in lot size and type as the homes located at the Bluffs at Hunters Glenn Subdivision.

The land in question is in the area served by the Southwest Sewer District and will be served by sewer through Clark County. Water is available through the Village of Enon. The Village of Enon is in the process of erecting a water tower in the immediate area which will serve to provide water for this development and others contemplated in the immediate area.

The property is shown on the Crossroads Comprehensive Plan as medium density residential. The requested zoning classification is for medium density residential consistent with the availability of sewer and water and is consistent with the Crossroads Comprehensive Plan.



Mrs. Ellen Williams  
5325 Horseshoe Bend Rd.  
Troy, OH 45373-9440

Clark Co. Planning Com.  
25 West Pleasant St.  
Springfield, Ohio 45506-2268

Dear Mr. Farmsworth:

Unfortunately, I am not able to attend  
the meeting planned for Sept. 14, 2005.  
I do however hope, that my letter  
will represent a vote.

As a local property owner in joint  
with my sister Sarah Brown and co-owners  
with Virginia Roche and Sarah Brown of  
a farm adjacent to 8535 Dayton-  
Springfield Road, I am in favor  
of Mr. Daniel E. Demmy being able to  
rezone his acreage to R-2 or Low Density  
Single Family Residence District.

The 8535 farm and 5855 Enon Xenia Rd.  
are now surrounded by housing, farming  
is getting increasingly more difficult in  
such an urban area. It is becoming danger-  
ous to move farm equipment safely with

the heavily traveled roads surrounding both areas.

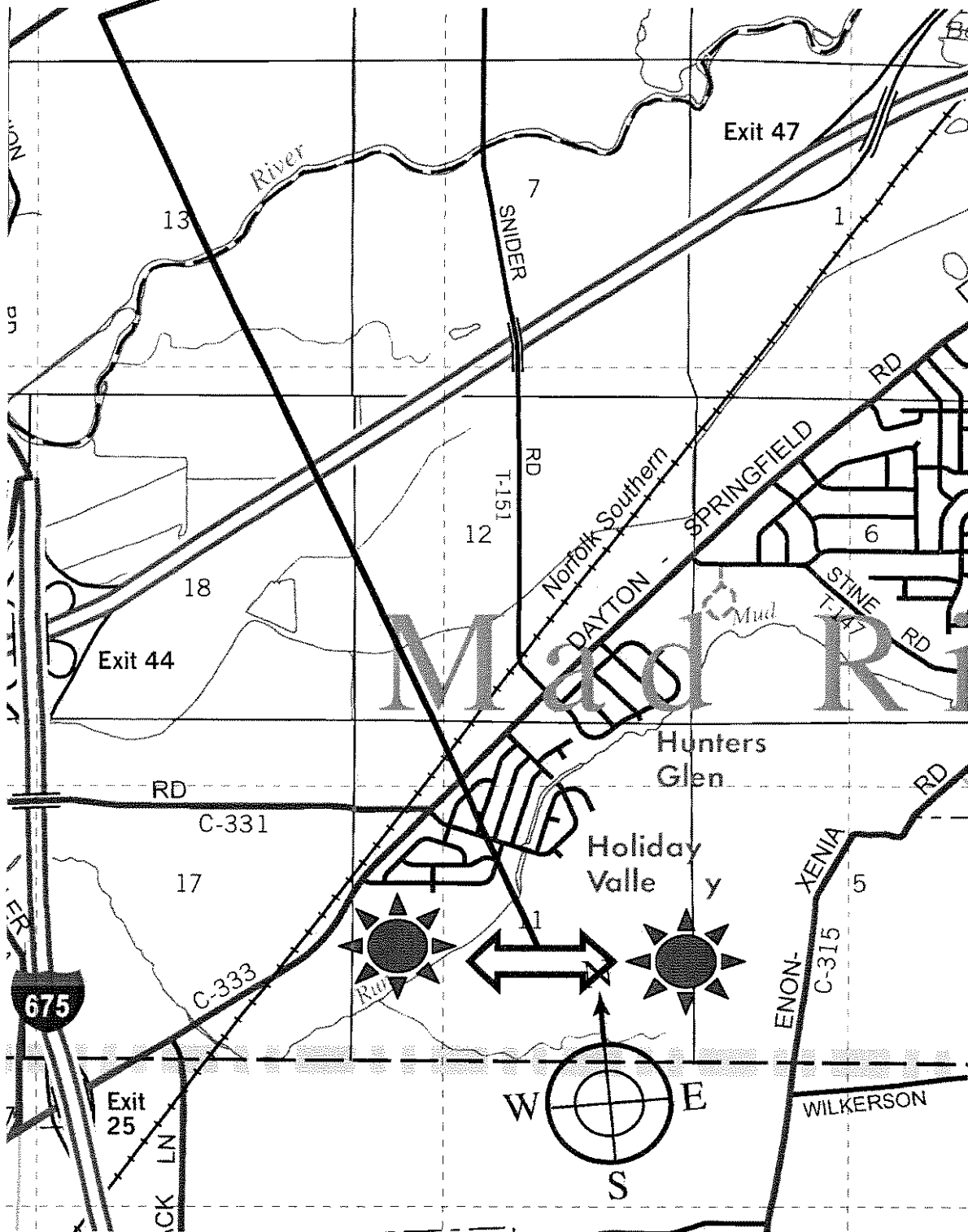
Another problem for him if kept in farm land is that of trespassers and people hunting and trapping illegally.

I think it would be an asset to the community to have an area of high quality single family homes.

Sincerely yours,  
E. Eden Williams



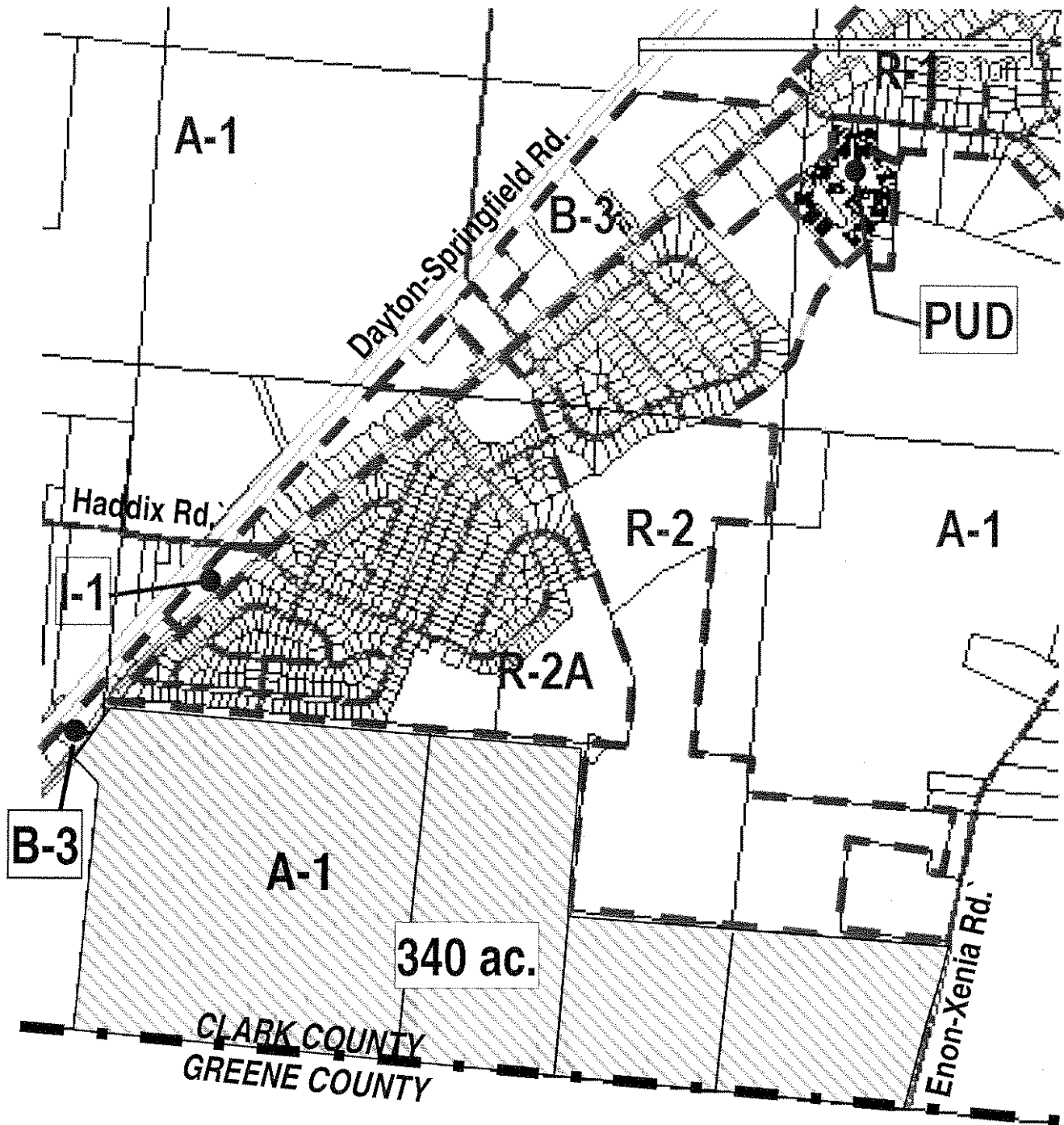
## LOCATION MAP



**REZONING CASE # Z-2005-6 A-1 to R-2**

# Zoning Map

Does not show Flood Plain Overlay



REZONING CASE #Z-2005-6 Dayton-Spfld Rd./Enon-Xenia Rd.  
A-1 to R-2 340 $\pm$  ac. Mad River Twp.

## Rezoning Case # Z-2005-7

To: Clark Planning Commission	Date of Meeting: September 7, 2005
From: Planning Staff	Date of Report: August 30, 2005

**Applicant:** C. Merrill & L. Joy Flory, Trustees

**Request Action:** Rezone **from - A-1** (Agriculture District)  
**to - R-2** (Low Density Single-Family Residence District)

**Purpose:** To develop single-family residential subdivision

**Location:** 5779 Enon-Xenia Road

**Size:** 14.79 Acres

**Existing Land Use:** Residential

### Surrounding Land Use and Zoning:

	Land Use	Zoned
North	Agriculture & Residential	A-1 (Agricultural) & R-2 (Low Density Residential)
South	Agriculture & Residential	A-1 (Agricultural) & Greene County, Bath Twp.
East	Agriculture & Residential	A-1 (Agricultural) & R-1 (Rural Residential)
West	future Residential & Agriculture	R-2 (Low Density Residential) & A-1 (Agricultural)

### ANALYSIS

This area was zoned A-1 Agricultural when zoning was originally adopted.

### REPORTS FROM OTHER AGENCIES

#### *County Engineer*

Pursuant to the rezoning request by Mr. Meririll Flory, the County Engineer has reviewed the property located along the west side of Enon Xenia Road, north of Wilkerson Road (Greene Co.) from A-1 Agricultural to R-2 Low Density Single Family Residential District. Our review comments are based upon the premise that this property will likely be combined for development with the Bluffs at Hunters Glen.

Access to a public roadway is directly available off Enon Xenia Road, but preferred from Bluff Boulevard, a proposed collector street off Enon Xenia Road with an approved access location.

Drainage appears adequate under the present agricultural use. If developed in a similar manner like the Bluffs, there is sufficient detention available on the tract to the south. Additionally, the existing pond on site may be utilized for the storage.

The County Engineer has no objection to the proposal to rezone the above property. (See August 17, 2005 letter)

### ***Soil Conservation***

The Clark Soil & Water Conservation District has reviewed the rezoning request for the above site and has provided the following information relative to soils and drainage.

#### **Soils**

- Miamian soil is gently sloping and well drained. This soil is not subject to flooding. Soils limitations for building site development are rated Moderate due to shrink-swell for dwellings with or without basements. Soil Potential Index ratings are High (94).
- Celina soils are nearly level and moderately well drained with a perched water table from 2-3.5 feet in depth from January to April, but are not subject to flooding. The Soils Potential Index (SPI), which indicates the relative quality of soil for on-site sewage treatment systems, rates these soils Medium (70) since costs of measures for overcoming soil limitations are high. Soil limitations regarding dwellings without basements are rated Moderate due to wetness, while dwellings with basements are rated Severe due to wetness.

#### **Drainage**

The proposed use will require the management of stormwater. Information shall be provided for the management of stormwater, including the control and treatment of accelerated on-site runoff, to a stable receiving outlet. Currently, an adequate outlet is not available onsite. Throughout the development planning process, careful consideration should be given to minimizing the amount of impervious areas for parking and integrating more areas for natural stormwater management, such as bioretention, pervious pavement, etc.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. In addition to submittal of the NOI application, the SWPPP shall identify potential sources of pollution, which may affect the quality of storm water discharges associated with construction activity.

This office does not object to the proposed rezoning request, providing the owner addresses the above issues. (See August 16, 2005 letter)

### ***Combined Health District***

No report. The proposed development will utilize public sewer and water.

### ***County Utilities Dept.***

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public water and sewer service is not currently available to the property. Public extensions of water and sewer mains required for development of the Bluffs at Hunters Glenn will provide access to public sewer and water at some future date.

Based on our review of the information provided, we have no objections to the proposed rezoning. Please let me know if you have any questions or comments concerning the above. (See August 26, 2005 letter)

### ***Mad River Township Planning Committee***

The Mad River Township Planning Committee notes that two issues are unresolved as relates to availability of public sewer and water. The Committee reminds the Clark County Planning Committee that this action cannot be acted upon until the two points are clarified. (*See August 31, 2005 letter for exact wording*)

### ***Planning Department***

The Clark County Comprehensive Plan identifies this area as Medium density residential development (4 to 6 dwellings per acre - gross density) which should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. This is recommended for portions of Bethel, Mad River, Moorefield and Springfield townships. Neighborhoods should transition to business areas through the use of multi-family development and institutional uses. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

The application notes that the owner plans to develop this property into with similar lot size and type of homes located at the Bluffs at Hunters Glenn. Approval by the Village of Enon will be necessary to utilize their public water supply. It is our understanding they are in contact with the Village of Enon concerning this matter.

## **RECOMMENDATION**

---

This request is in conformance with the **CROSSROADS** Comprehensive Plan. Since the applicant has indicated a lot density consistent with half acre lots but the R-2 Zoning District allows a lot size of 12,000 sq. ft.(or quarter ac.), we feel it would be appropriate to approve an R-2'S' with a "Specific Use" of no more than 23 single-family residential lots based on:

14.79 ac. request  
- 2.22 ac. R-O-W (15% approx.)  
12.57 ac.  
- 1 ac. for drainage (existing pond area)  
11.5 ac. buildable area = 23 half acre lots

#### Attachments:

County Engineer's letter

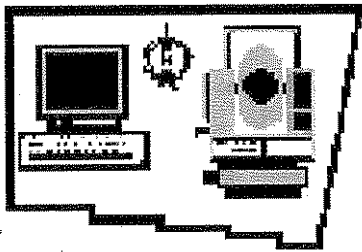
Soil Conservation District's letter

Applicant's letter

Mad River Township Planning Committee letter

Location Map

Zoning Map



Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyoohio.gov/engineer](http://www.clarkcountyoohio.gov/engineer)

August 17, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Planner

Re: Rezoning Request Z-2005-7,  
14+ acres from A-1 to R-2  
Enon Xenia Road

Mr. Tritle,

Pursuant to the rezoning request by Mr. Meririll Flory, the County Engineer has reviewed the property located along the west side of Enon Xenia Road, north of Wilkerson Road (Greene Co.) from A-1 Agricultural to R-2 Low Density Single Family Residential District. Our review comments are based upon the premise that this property will likely be combined for development with the Bluffs at Hunters Glen.

Access to a public roadway is directly available off Enon Xenia Road, but preferred from Bluff Boulevard, a proposed collector street off Enon Xenia Road with an approved access location.

Drainage appears adequate under the present agricultural use. If developed in a similar manner like the Bluffs, there is sufficient detention available on the tract to the south. Additionally, the existing pond on site may utilized for the storage.

The County Engineer has no objection to the proposal to rezone the above property.

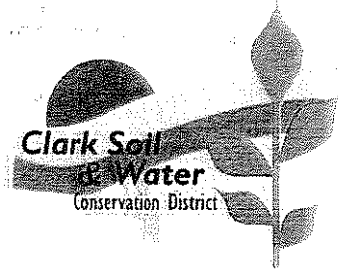
Sincerely,

Bruce C. Smith P.E., P.S.  
Clark County Engineer

Kenneth D. Fenton  
Deputy Engineer

Donald Boyle – Road Superintendent  
Paul W. DeButy P.E. – Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank – Bridge Superintendent  
Pamela Fulton – Office Assistant

William A. Pierce, P.S. – LIS Director  
Shayne Gray – GIS/CAD Coordinator  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor  
Ned G. Weber, Deputy Engineer



4400 Gateway Blvd. - Suite 103  
Springfield, Ohio 45502

Phone (937) 328-4600/4601  
Fax (937) 328-4606

*With the Right to Own – Goes the Duty to Conserve*

---

**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

August 16, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attn: Phil Tritle

Re: Z-2005-7~Rezoning 14.8 acres, A1 to R2  
C. Merrill Flory ~ 5779 Enon-Xenia Rd.~ MR Twp.

Mr. Tritle,

The Clark Soil & Water Conservation District has reviewed the rezoning request for the above site and has provided the following information relative to soils and drainage.

**Soils**

- Miamian soil is gently sloping and well drained. This soil is not subject to flooding. Soils limitations for building site development are rated Moderate due to shrink-swell for dwellings with or without basements. Soil Potential Index ratings are High (94).
- Celina soils are nearly level and moderately well drained with a perched water table from 2-3.5 feet in depth from January to April, but are not subject to flooding. The Soils Potential Index (SPI), which indicates the relative quality of soil for on-site sewage treatment systems, rates these soils Medium (70) since costs of measures for overcoming soil limitations are high. Soil limitations regarding dwellings without basements are rated Moderate due to wetness, while dwellings with basements are rated Severe due to wetness.

**Drainage**

The proposed use will require the management of stormwater. Information shall be provided for the management of stormwater, including the control and treatment of accelerated on-site runoff, to a stable receiving outlet. Currently, an adequate outlet is not available onsite. Throughout the development planning process, careful consideration should be given to minimizing the amount of impervious areas for parking and integrating more areas for natural stormwater management, such as bioretention, pervious pavement, etc.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. In addition to submittal of the NOI application, the SWPPP shall identify potential sources of pollution, which may affect the quality of storm water discharges associated with construction activity.

This office does not object to the proposed rezoning request, providing the owner addresses the above issues.

Respectfully,

*Christine Pence*

Christine Pence, CPESC

Urban Coordinator





# Clark County Department of Utilities

Garfield Building • 25 W. Pleasant Street • P.O. Box 1303 • Springfield, Ohio 45501-1303  
Tel: (937) 328-2493 • Fax: (937) 328-2616 • [www.clarkcountyohio.gov](http://www.clarkcountyohio.gov)

Alice Godsey, P.E., *Director*  
Stephen Worl, P.E., P.S., *Deputy Director*

Christopher Neary, *Business Manager*  
Priya Krishna, *Customer Service Supervisor*  
David Leist, *Chief Operator*  
Dave Hasting, *Field Services Supervisor*

August 26, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Mr. Phil Tritle, Senior Planner

Re: Review Comments – Rezoning  
Case Z-2005-7, 5779 Enon-Xenia  
Road (14.79 ac.)

Mr. Tritle,

The Clark County Utilities Department has reviewed the referenced rezoning case and has the following comments. Public water and sewer service is not currently available to the property. Public extensions of water and sewer mains required for development of the Bluffs at Hunters Glenn will provide access to public sewer and water at some future date.

Based on our review of the information provided, we have no objections to the proposed rezoning. Please let me know if you have any questions or comments concerning the above.

Sincerely,

Charles W. Bauer, P.E.  
Deputy Director of Utilities

cc: Director Godsey, email

## MAD RIVER TOWNSHIP

Trustees: Robert McClure, Jr., Richard J. Schumann, Kathy Estep

Clerk: James A. Matthews

260 East Main Street, Box 34, Enon, OH 45323

[www.madrivertownship.org](http://www.madrivertownship.org)

August 31, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506-2268

RE: Rezoning Case Z-2005-7, C. Merrill Flory and L. Joy Flory

Dear Sirs:

The Mad River Township Planning Committee has reviewed this request. The Committee notes two impediments which must be resolved before the Clark County Planning Commission can recommend acceptance or rejection.

1. The attorney's letter attached to this request indicated: "Water is available through the Village of Enon." The Village of Enon only sells water deemed surplus through a resolution by the Village Council. Such a resolution was not attached to the rezoning application, and the Mad River Planning Committee is unaware of the Enon Village Council passing such a resolution.
2. In a like manner, the attorney's letter indicated: "The land in question is in the area served by the Southwest Sewer District and will be served by sewer through Clark County." While this land is in an area served by the Southwest Sewer District. The Committee questions if the Southwest Sewer District has sufficient capacity to serve the homes that will be erected on this property. The Committee noted that several years ago a proposed development of 312 homes by White Oak Communities in the general area was restricted to 165 homes because of limited capacity in the Southwest Sewer District. Since the capacity of the Sewer District has not changed and other industrial and residential development has occurred since the White Oak proposal, it is unclear to the Committee if sufficient capacity exists to support the homes that will be erected as a result of this rezoning. The capacity of the Sewer District must be determined.

The Mad River Township Planning Committee reminds the Clark County Planning Committee that this action cannot be acted upon until the two points discussed above are clarified. If either water or sewer is not available, the Committee believes the Planning Commission must recommend rejection of this request to the Clark County Rural Zoning Commission.

Respectfully,



W. R. Connel, Chairman

JAMES F. PEIFER

ATTORNEY AT LAW

SUITE 300, THE EDISON CENTER

20 SOUTH LIMESTONE STREET

P. O. BOX 1087

SPRINGFIELD, OHIO 45501-1087

TELEPHONE 937-325-7365

TELEFAX 937-325-9584

THOMAS T. TAGGART

(1926-1988)

RICHARD H. WEHLER

(1924-1992)

JOHN D. EMERICH  
JAMES F. PEIFER  
QUINTON R. DRESSEL

August 9, 2005

BOARD OF CLARK COUNTY  
COMMISSIONERS  
50 E COLUMBIA ST  
SPRINGFIELD OH 45502

Members of the Commission:

Transmitted herewith is the request of C. Merrill Flory and L. Joy Flory, Trustees to rezone approximately 14.79 acres of real estate situated in Mad River Township from its current A-1 County zoning classification to an R-2 single family residence zoning classification. Enclosed with this application are two copies of a map showing the property to be rezoned highlighting the area to be rezoned marked Exhibit A-1, two copies of a tax map showing the 200 foot radius marked Exhibit A-2, copies of the various deeds comprising the property sought to be rezoned labeled as Exhibit B, a list of all surrounding property owners located within 200 feet of the area sought to be rezoned marked as Exhibit C and the required application fee.

The property is located near areas of concentrated single family development and agriculture land. It is adjacent to The Bluffs at Hunters Glenn Subdivision and is located in close proximity to Green Meadows and Hunters Glenn Subdivision. The owners plan on developing the territory sought for rezoning into lots with single family homes on them similar in lot size and type as the homes located at the Bluffs at Hunters Glenn Subdivision.

The land in question is in the area served by the Southwest Sewer District and will be served by sewer through Clark County. Water is available through the Village of Enon. The Village of Enon is in the process of erecting a water tower in the immediate area which will serve to provide water for this development and others contemplated in the immediate area.

The property is shown on the Crossroads Comprehensive Plan as medium density residential. The requested zoning classification is for medium density residential consistent with the availability of sewer and water and is consistent with the Crossroads Comprehensive Plan.

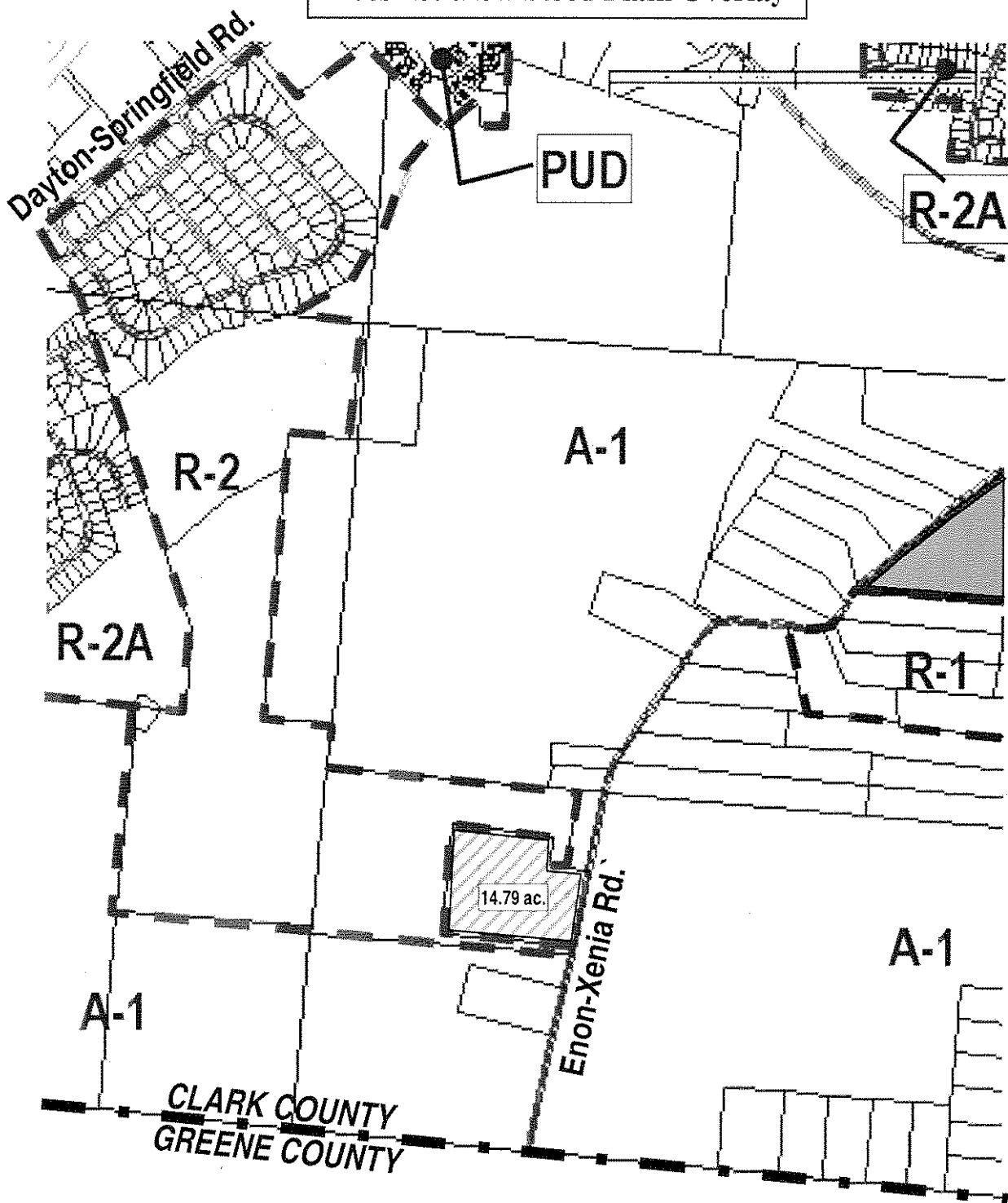
# LOCATION MAP



**REZONING CASE # Z-2005-7 A-1 to R-2**

# Zoning Map

Does not show Flood Plain Overlay



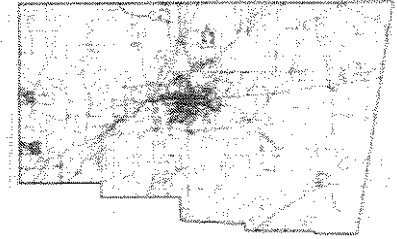
REZONING CASE #Z-2005-7  
A-1 to R-2

14.79+ ac.

5779 Enon-Xenia Rd.  
Mad River Twp.



CLARK  
CLARK COUNTY  
CLARK COUNTY PLANNING  
CLARK COUNTY PLANNING COMMISSION  
25 WEST PLEASANT STREET, SPRINGFIELD, OHIO 45506-2268  
PHONE 937.328.2498 FAX 937.328.2621  
WWW.CLARKCOUNTYOHIO.GOV



CHAIRPERSON  
ELLIOTT TURNER

PLANNING DIRECTOR  
SHANE W. FARNSWORTH

August 31, 2005

To: County Planning Commission  
CEDA Regional Planning Commission

From: Planning Staff

Re: Modification to "Crossroads" Land Use Plan

The Dayton Region Growth Fund is a collaborative effort to combat the threat of jobs leaving the Dayton Region by encouraging a regional approach to the expansion and growth of existing and new businesses, with special targeting of the advanced manufacturing sector.

This grant application is submitted by Development Projects, Inc., a non-profit corporation structurally and operationally affiliated with Dayton Development Coalition, Inc., both of which are Ohio 501-C-6 non-profit corporations, (hereinafter referred to collectively as "the Dayton Development Coalition" or "The Coalition"). The Mission of the Dayton Development Coalition is to develop and execute regional initiatives for job creation and economic growth in the Dayton-Springfield, Ohio Region. CityWide Development Corporation, the non-profit economic development arm of the City of Dayton, is the Sub-Recipient, and will serve as the Fiscal Agent responsible for accounting and compliance. The third participant is the Turner Foundation, a philanthropic organization whose mission is to enhance the quality of life in the City of Springfield/Clark County community.

The following modification the 'Crossroads' Land Use Plan will allow our community to stay competitive in a rapidly changing environment.

### **Goals, Objective and Strategies**

#### **C. Land Use**

##### **2. B. Economic Development Pages 4-5, 4-6**

14. Encourage the development of a regional growth fund that targets manufacturing companies that are demonstrating global competencies, advanced technology adaptation, and new marketing development.

*Implementation: Local jurisdictions  
Timeframe: Ongoing*

# CLARK COUNTY ZONING

General Uses - see zoning text for details and other restrictions

May 2003

## A-1

PRINCIPAL PERMITTED AND CONDITIONED USES:	
1. Agriculture, Farm Markets, & related buildings & structures 2. Agricultural-Related Processing & Marketing 3. Single-Family Residential 4. Single-Family Residential (restricted to lotsplits) 5. Single-Family Residential (restricted to cluster lotsplits & bonus cluster lotsplits) 6. Private Landing Field 7. Day-Care Homes 8. Bed and Breakfast	
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	
1. Home Occupations 2. Private and Public Outdoor Recreation Areas 3. Cemeteries 4. Animal Hospitals, Veterinary Clinics & Kennels 5. Resource and Mineral Extraction 6. Demolition Disposal Facility 7. Airports 8. Radio, Television, & Telecommunications Transmission & Receiving Towers 9. Hospitals and Auxiliary Facilities 10. Group Care Home 11. Nursing Homes, Convalescent Homes, & Rest Homes 12. Feed Lot, Grain Elevators, & Slaughterhouses 13. Day-Care Centers 14. Churches and Similar Places of Worship 15. Primary and Secondary Schools 16. Institutions of Higher Learning 17. Garden Centers and Greenhouse	

## AR-1, AR-2, AR-5, AR-10, & AR-25

PRINCIPAL PERMITTED AND CONDITIONED USES:	AR-1	AR-2	AR-5	AR-10	AR-25
1. Agriculture, Farm Markets, & related buildings & structures	Y	Y	Y	Y	Y
2. Single-Family Residences	Y	Y	Y	Y	Y
3. Day-Care Homes	Y	Y	Y	Y	Y
4. Bed and Breakfast	Y	Y	Y	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	AR-1	AR-2	AR-5	AR-10	AR-25
1. Home Occupations	Y	Y	Y	Y	Y
2. Churches and Similar Places of Worship	Y	Y	Y	Y	Y
3. Primary and Secondary Schools	N	Y	Y	Y	Y
4. Institutions of Higher Learning	N	N	Y	Y	Y

## R-1, R-2, R-2A, R-2B

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-1	R-2	R-2A	R-2B
1. Single-Family Dwellings	Y N N N	Y Y N Y	Y Y N Y	Y Y Y Y
2. Bed and Breakfast	Y N N N	Y Y N N	Y Y Y N	Y Y Y Y
3. Agriculture and Related Buildings and Structures	--	--	--	--
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	R-1	R-2	R-2A	R-2B
1. Home Occupation	Y	Y	Y	Y
2. Churches & similar places of worship	Y	Y	Y	Y
3. Primary & Secondary Schools	Y	Y	Y	Y
4. Institutions of Higher Learning	Y	N	N	N
5. Hospitals & Auxiliary Facilities	Y	Y	Y	N
6. Group Care Homes	Y N N N Y	Y Y N N Y	Y Y N N Y	Y Y Y Y Y
7. Farm Markets	Y	Y	Y	Y
8. Cemeteries	Y	N	N	N
9. Day-Care Homes	Y N N N Y	Y Y N N Y	Y Y Y Y Y	Y Y Y Y Y
10. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	N
11. Radio, Television & Telecommunication Transmission / Receiving Towers	Y	N	N	N
12. Zero Lot Line, Cluster, Detached, Semi-detached Dwellings, or other housing types of a similar character	N	Y	Y	Y

## R-MHP

PRINCIPAL PERMITTED USES:
1. Mobile Homes
2. Manufactured Homes
3. Communal Facilities

Y = Yes (Permitted)      N = No (Not Permitted)

## R-3 & R-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-3	R-4
1. Single-Family Dwellings	Y	Y
2. Two-Family Dwellings	Y	Y
3. Three-Family Dwellings	N	Y
4. Four-Family Dwellings	N	Y
5. Multiple-Family Dwellings	N	Y
6. Condominium Residences	N	Y
7. Agriculture and Related Buildings & Structures	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	R-3	R-4
1. Zero Lot Line, Cluster, Detached, Semi-detached, or Attached Dwellings, or other housing types of a similar character	Y	Y
2. Home Occupation	Y	Y
3. Churches & similar places of worship	Y	Y
4. Group Care Homes	Y	Y
5. Day-Care Homes	Y	Y
6. Day-Care Centers	N	Y
7. Community Facilities	N	Y

## PD

PRINCIPAL PERMITTED USES:
1. PD-R (Residential)
2. PD-O (Office)
3. PD-B (Business)
4. PD-I (Industrial)
5. PD-M Mixed Uses
6. PD-C (Conservation)
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Home Occupation



# CLARK COUNTY ZONING

May 2003

General Uses - see zoning text for details and other restrictions

## B-1, B-2, B-3 & B-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	B-1	B-2	B-3	B-4
1. Business and/or Professional Offices	Y	Y	Y	Y
2. Banks & Financial Institutions	Y	Y	Y	Y
3. Eating & Drinking Places, excluding Drive-in or Carry-out	Y	Y	Y	Y
4. Radio and Television Broadcasting Studios	Y	Y	Y	Y
5. Funeral Homes & Mortuaries	Y	Y	Y	Y
6. Automotive Service Stations	Y	Y	Y	Y
7. Custom Butcher Shops	Y	Y	Y	Y
8. Indoor Motion Picture Theaters	N	Y	Y	Y
9. Retail Food Stores	N	Y	Y	Y
10. Drive-in, Fast Food, Drive-in Carry-out Restaurants and/or Drive-through Retail Establishments	N	Y	Y	Y
11. Garden Centers, Greenhouses	N	Y	Y	Y
12. Automotive Repair Garages	N	Y	Y	Y
13. Car Washes	N	Y	Y	Y
14. Air Conditioning, Plumbing, Heating, and Roofing Shops	N	Y	Y	Y
15. Automotive & Auto Accessory Sales	N	Y	Y	Y
16. Building and Related Trades	N	Y	Y	Y
17. Commercial Recreation Establishments	N	Y	Y	Y
18. Animal Hospitals, Veterinary Clinics, and Kennels	N	N	Y	Y
19. Building Material Sales Yard	N	N	Y	Y
20. Drive-In Motion Picture Theater	N	N	Y	Y
21. Private and Public Outdoor Recreation Areas	N	N	Y	Y
22. Motels and Hotels	N	N	Y	Y
23. Hospitals & Auxiliary Facilities	N	N	Y	Y
24. Automotive Body Shop	N	N	Y	Y
25. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business	N	N	N	Y
26. Bottling of Soft Drinks and Milk or Distributing Stations	N	N	N	Y
27. Contractor's Equipment Storage Yard or Storage & Rental Contractor's Equipment	N	N	N	Y
28. Motor Vehicle, Boat, & Camper Storage	N	N	N	Y
29. Trucking and Motor Freight Station or Terminal	N	N	N	Y
30. Carting, Express, or Hauling Establishments	N	N	N	Y
31. Stone or Monument Works	N	N	N	Y
32. Mini-Warehouse or Self Storage Facilities	N	N	N	Y

## B-1, B-2, B-3 & B-4

CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	B-1	B-2	B-3	B-4
1. Commercial Recreation Establishments	Y	--	--	--
2. Day-Care Centers	Y	Y	Y	Y
3. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	Y
4. Clubs, Fraternal or Lodge Organizations	Y	Y	Y	Y
5. Animal Hospitals, Veterinary Clinics, and Kennels	Y	Y	--	--
6. Bars and Taverns	N	Y	Y	Y
7. Wholesale Establishments	N	N	Y	Y
8. Adult Entertainment Establishments	N	N	N	Y

## I-1

PRINCIPAL PERMITTED AND CONDITIONED USES:
1. Industrial & Manufacturing Establishments
2. Warehouses
3. Wholesale Establishments
4. Manufacturing Retail Outlets
5. Any use permitted and as regulated as a Principal Permitted or Conditioned Use in the B-4 District
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Any use permitted and as regulated as a Conditionally Permitted Use in the B-4 District
2. Junkyards & Automobile Wrecking Yards
3. Resource and Mineral Extraction
4. Penal & Correctional Facilities
5. Sanitary Landfills

## O-1 & OR-2

PRINCIPAL PERMITTED AND CONDITIONED USES:	O-1	OR-2
1. Business and/or Professional Offices, including Medical and Dental Clinics	Y	N
2. Banks and Financial Institutions	Y	N
3. Law, Real Estate, and Insurance Offices	Y	N
4. Business Service Establishments	Y	N
5. Single-Family Dwellings	N	Y
6. Incidental Business Uses	N	Y

Y = Yes (Permitted)

N = No (Not Permitted)